

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Friday

April 6, 2001

Eighty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:09 a.m.

Roll call showed 30 members present. Representatives Berkowitz, Green, Harris, Kapsner, and Ogan had been previously excused from a call of the House today. Representatives Croft, Davies, Guess, and Kerttula were absent and their presence was noted later. Representative Masek was absent.

The invocation was offered by the Chaplain Nancy Campbell, Prayer Minister. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

"A wise man will hear and increase learning, and a man of understanding will attain wise counsel." Proverbs 1:5

"Happy is the man who finds wisdom, and the man who gains understanding; for her proceeds are better than the profits of silver, and her gain than fine gold. She is more precious than rubies, and all the things you may desire cannot compare with her ... The Lord by wisdom founded the earth; by understanding He established the heavens; by His knowledge the depths were broken up, and clouds drop down the dew." Proverbs 3:13-15, 19, 20

"I, wisdom, dwell with prudence, and find out knowledge and discretion. The fear of the Lord is to hate evil, pride and

arrogance and the evil way, and the perverse mouth I hate. Counsel is mine, and sound wisdom; I am understanding, I have strength. By me kings reign, and rulers decree justice. By me princes rule, and nobles, all the judges of the earth." Proverbs 8:12-16

Dear Lord, Your word says that if we desire wisdom to ask of You and You will grant it. So, I ask for this House of Representatives this day that You will give them wisdom and sound counsel. And I pray that You will strengthen them, and if they are weary that You will refresh them. Father in heaven, impart to them understanding and clarity of mind as they face the issues brought before them. And I thank You for each one of them and their willingness to serve our state. In Jesus' name. Amen.

The Pledge of Allegiance was led by Representative Stevens.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 88th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Crawford introduced Ken Burlison, Guest Page, from Anchorage.

Representative Murkowski introduced her sons Nic and Matt Martell, Guest Pages.

MESSAGES FROM THE SENATE

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

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 37**

CS FOR SENATE BILL NO. 37(FIN) by the Senate Finance Committee, entitled:

"An Act relating to collective negotiation by competing physicians with health benefit plans, to health benefit plan contracts, to the application of antitrust laws to agreements involving providers and groups of providers affected by collective negotiations, and to the effect of the collective negotiation provisions on health care providers."

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

SB 60

CS FOR SENATE BILL NO. 60(JUD) am by the Senate Judiciary Committee, entitled:

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

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

SB 88

SENATE BILL NO. 88 by Senators Phillips and Donley, entitled:

"An Act relating to metropolitan planning organizations and to establishment of a metropolitan planning organization for the Anchorage metropolitan area; and providing for an effective date."

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

COMMUNICATIONS

The following was received:

Office of the Governor
Alaska State Commission for Human Rights
2000 Annual Report
(as required by AS 18.80.150)

REPORTS OF STANDING COMMITTEES**HCR 8**

The Resources Committee has considered:

HOUSE CONCURRENT RESOLUTION NO. 8

Expressing the legislature's opposition to the proposed "northern" or "over-the-top" route for a natural gas pipeline to transport North Slope natural gas reserves to the domestic North American market, and expressing the legislature's support of commercialization of North Slope natural gas for the maximum benefit of the people of the state.

and recommends it be replaced with:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 8(RES)
(same title)

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

Do pass (6): Stevens, Kerttula, McGuire, Fate, Masek, Scalzi

No recommendation (1): Chenault

The following fiscal note(s) apply to CSHCR 8(RES):

1. Zero, House Special Committee on Oil & Gas

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

HB 82

The Judiciary Committee has considered:

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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 82(JUD)

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

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

Do pass (5): Kookesh, Coghill, Meyer, James, Rokeberg

The following fiscal note(s) apply to CSHB 82(JUD):

1. Zero, Dept. of Natural Resources
2. Zero, Dept. of Natural Resources

HB 82 was referred to the Resources Committee.

HB 111

The Judiciary Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 111

"An Act relating to civil liability for injuries or death resulting from livestock activities."

and recommends it be replaced with:

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

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

Do pass (5): Meyer, Coghill, James, Kookesh, Rokeberg

The following fiscal note(s) apply to CSSSHB 111(JUD):

1. Zero, House Judiciary Committee/All Depts.
2. Zero, House Judiciary Committee/Alaska Court System

SSHB 111 was referred to the Rules Committee for placement on the calendar.

HB 167

The State Affairs Committee has considered:

HOUSE BILL NO. 167

"An Act relating to license plates for Alaska National Guard personnel and for antique motor vehicles; relating to gold rush license plates; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 167(STA)

"An Act relating to license plates for Alaska National Guard personnel and for antique motor vehicles; and providing for an effective date."

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 to CSHB 167(STA):

1. Zero, House State Affairs Committee

HB 167 was referred to the Finance Committee.

HB 172

The Finance Committee has considered:

HOUSE BILL NO. 172

"An Act relating to therapeutic courts for offenders and to the authorized number of superior court judges."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 172(FIN)

(same title)

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

Do pass (10): Bunde, Whitaker, Harris, Croft, Davies, Moses, Lancaster, Foster, Mulder, Williams

The following fiscal note(s) apply to CSHB 172(FIN):

2. Fiscal, Dept. of Corrections
4. Fiscal, Alaska Court System
5. Fiscal, Dept. of Health & Social Services
7. Fiscal, House Finance Committee/Dept. of Administration
8. Fiscal, House Finance Committee/Dept. of Law

HB 172 is on today's calendar.

HB 193

The Judiciary Committee has considered:

HOUSE BILL NO. 193

"An Act relating to the primary election; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 193(JUD)

"An Act relating to the primary election and to the nomination of candidates for the general election; and providing for an effective date."

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

Do pass (3): James, Meyer, Rokeberg

Do not pass (1): Kookesh

Amend (1): Coghill

The following fiscal note(s) apply to CSHB 193(JUD):

1. Fiscal, Office of the Governor

HB 193 was referred to the Finance Committee.

HB 219

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 219

"An Act relating to mental health treatment facilities; repealing the termination date of the mental health treatment assistance program; 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, Joule, Stevens

No recommendation (1): Dyson

The following fiscal note(s) apply:

1. Fiscal, Dept. of Health & Social Services

HB 219 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 - Dan Shanders
By Representative Green

Honoring - Mary Ellen Murphy
By Representative Green

Honoring - Charlton Heston, President of the National Rifle Association
By Senator Donley

Honoring - University of Alaska Fairbanks Rifle Team
By Senator Wilken

Honoring - Melissa Mulloy
By Senator Wilken

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 233**

HOUSE BILL NO. 233 by Representatives Scalzi and Hudson,
entitled:

"An Act relating to the levying and collecting of sales and use tax;
and providing for an effective date."

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

HB 234

HOUSE BILL NO. 234 by the House Finance Committee, entitled:

"An Act relating to the financing of construction and renovation of certain public facilities; and providing for an effective date."

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

HB 235

HOUSE BILL NO. 235 by the House Judiciary Committee, entitled:

"An Act relating to the handling of and interest on contract controversies involving the Department of Transportation and Public Facilities or state agencies to whom the Department of Transportation and Public Facilities delegates the responsibility for handling the controversies."

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

HB 236

HOUSE BILL NO. 236 by the House Finance Committee, entitled:

"An Act relating to the contracting and financing authority of the Alaska Industrial Development and Export Authority; authorizing the authority to issue bonds in a principal amount not to exceed \$76,000,000 to finance the acquisition, design, construction, inventory, and operation of natural gas, propane air, or manufactured gas public utility facilities; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 32

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

HOUSE BILL NO. 32

"An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

HB 172

The following was read the second time:

HOUSE BILL NO. 172

"An Act relating to therapeutic courts for offenders and to the authorized number of superior court judges."

with the:	Journal Page
JUD RPT CS(JUD) 6DP	726
FN1: (ADM), FN2: (COR), FN3: (H.JUD/CRT),	726
FN4: (CRT), FN5: (HSS), FN6: (LAW)	726
FIN RPT CS(FIN) 10DP	879
FN2: (COR), FN4: (CRT), FN5: (HSS)	879
FN7: (H.FIN/ADM), FN8: (H.FIN/LAW)	879

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

CS FOR HOUSE BILL NO. 172(FIN)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Mulder and Porter:

Page 4, line 31, following "The Alaska Judicial Council":

Delete "shall conduct an evaluation of the pilot"

Insert "will develop a uniform data collection form for use by the therapeutic courts. The Council shall evaluate the effectiveness of the

pilot therapeutic court programs by developing baseline information and comparing that data with ongoing program results as reported by the"

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

Representative James moved and asked unanimous consent that CSHB 172(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 172(FIN) am was read the third time.

**The presence of Representatives Croft, Guess, Davies, and Kerttula was noted.

The question being: "Shall CSHB 172(FIN) am pass the House?" The roll was taken with the following result:

CSHB 172(FIN) am
Third Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1

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

Excused: Berkowitz, Green, Harris, Kapsner, Ogan

Absent: Masek

And so, CSHB 172(FIN) am passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 58

The following was read the second time:

SENATE BILL NO. 58

"An Act relating to the membership and quorum requirements of the State Medical Board."

with the:	Journal Page
FIN RPT 9DP	856
FN1: (CED)	856

Representative James moved and asked unanimous consent that SB 58 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 58 was read the third time.

The question being: "Shall SB 58 pass the House?" The roll was taken with the following result:

SB 58
Third Reading
Final Passage

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

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

Excused: Berkowitz, Green, Harris, Kapsner, Ogan

Absent: Foster, Masek

And so, SB 58 passed the House, was signed by the Speaker and Chief Clerk, and returned to the Senate.

SECOND READING OF HOUSE BILLS
(continued)

HB 32

The following, which was moved to the bottom of the calendar (page 882) was read the second time:

HOUSE BILL NO. 32

"An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

with the:	Journal Page
JUD RPT CS(JUD) 3DP 1NR	679
FN1: ZERO(CRT)	680
FN2: ZERO(DPS)	680
FIN REFERRAL WAIVED	747

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

CS FOR HOUSE BILL NO. 32(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative McGuire:

Page 1, following line 6:

Insert a new bill section to read:

**** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INTENT. The legislature recognizes these forfeitures as in personam and, as a matter of consistency and fairness, instructs the courts to continue to provide, as they consider reasonable, remission to innocent parties who have an ownership interest in the equipment forfeited."

Page 1, line 7:

Delete **** Section 1.**

Insert **** Sec. 2.**

Renumber the following bill sections accordingly.

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

Representative James moved and asked unanimous consent that CSHB 32(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 32(JUD) am was read the third time.

The question being: "Shall CSHB 32(JUD) am pass the House?" The roll was taken with the following result:

CSHB 32(JUD) am
Third Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1

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

Excused: Berkowitz, Green, Harris, Kapsner, Ogan

Absent: Masek

And so, CSHB 32(JUD) am 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 - Dillingham Wolverines, Girls High School Volleyball Team

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

Honoring - Kodiak Bears Boys Basketball Team

By Senator Austerman; Representatives Stevens, Porter, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kerttula, Kohring, Kookesh, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Scalzi, Whitaker, Williams, Wilson

In Memoriam - Judith Mae Holbert

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

In Memoriam - Howard E. Holbert

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

In Memoriam - Oscar S. Selmer, Jr.

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

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 Davies - from 7:15 p.m., April 6 to 6:24 p.m., April 8, 2001

Representative Kott - from 2:00 p.m., April 7 to 9:30 a.m., April 9, 2001

Representative Joule - from 8:00 a.m., plane time, April 18 to 8:00 p.m., plane time, April 19, 2001

Representative Kerttula - from 11:00 a.m. to 1:00 p.m., April 12, 2001

Representative Kookesh - from 8:00 a.m., April 9 to 5:00 p.m., April 10, 2001

Representative Morgan - from 1:30 p.m., plane time, April 6 to 1:45 p.m., plane time, April 8, 2001 (amended from page 829)

HB 32

Representatives Meyer and Wilson added their names as cosponsors to:

CS FOR HOUSE BILL NO. 32(JUD) am

"An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

HB 144

Representative Chenault removed his name as cosponsor to:

HOUSE BILL NO. 144

"An Act requiring nonresident hunters to be accompanied when hunting moose; and providing for an effective date."

HB 172

Representatives Halcro, McGuire, Hayes, James, Meyer, Croft, Williams, and Cissna added their names as cosponsors to:

CS FOR HOUSE BILL NO. 172(FIN) am

"An Act relating to therapeutic courts for offenders and to the authorized number of superior court judges."

HB 195

Representative Croft added his name as cosponsor to:

HOUSE BILL NO. 195

"An Act requiring governmental entities to meet certain requirements before placing a burden on a person's free exercise of religion."

HB 232

Representative Wilson added her name as cosponsor to:

HOUSE BILL NO. 232

"An Act permitting state residents to purchase remote recreational cabin sites."

SJR 10

Representative Chenault added his name as cross sponsor to:

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 10(MLV)
am H

Urging the United States Congress to fully fund the operational readiness and recapitalization requirements of the United States Coast Guard.

SB 58

Representative James added her name as cross sponsor to:

SENATE BILL NO. 58

"An Act relating to the membership and quorum requirements of the State Medical Board."

SB 65

Representative Fate added his name as cross sponsor to:

CS FOR SENATE BILL NO. 65(FIN)

"An Act requiring a study regarding equal pay for equal work of certain state employees."

ENGROSSMENT

HB 32

CSHB 32(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 172

CSHB 172(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT

HB 24

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 9:30 a.m., April 6, 2001:

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."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meeting today has been changed as indicated:

Resources Committee
1:00 p.m. CANCELED

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 11:00 a.m., April 9, 2001. There being no objection, the House adjourned at 11:00 a.m.

Suzi Lowell
Chief Clerk