

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 17, 2001

One Hundredth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:09 a.m.

Roll call showed 31 members present. Representative McGuire had been previously excused from a call of the House today. Representative Ogan was excused from a call of the House today due to illness. Representatives Kohring, Kookesh, Moses, Mulder, and Williams were absent and their presence was noted later.

Representative James moved and asked unanimous consent that Representatives Masek and Rokeberg's previously excused absences (pages 695 and 910) be extended until 9:30 p.m., plane time, today. There being no objection, it was so ordered.

The invocation was offered by the Reverend Jim Hardenbrook, Chaplain, Idaho State House of Representatives. Representative Green moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

We always thank God for all of you, mentioning you in our prayers. We continually remember before our God and Father your work produced by faith, your labor prompted by love and your endurance inspired by hope. (I Thessalonians 1:2-3)

Lord, I thank You for the everyday heroes who are out there this morning making a difference in this great state of Alaska.

I thank You for the nurse who is giving a premature baby a chance to live and the physical therapist who is helping a stroke victim walk again.

I thank You for teachers who are helping little ones find joy in reading and professors who are guiding amazing research projects.

I thank You for moms and dads who helped with homework last night and packed sack lunches this morning ... for Scout Masters and youth group leaders ... for coaches and advisors ... for good neighbors and good Samaritans ... for clerks, secretaries, aides, and pages.

And I thank You for these people standing here who represent those everyday heroes -- may they rise to the grand task of serving. Amen.

The Pledge of Allegiance was led by Representative Dyson.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 95th, 96th, 97th, 98th, and 99th legislative days and House Journal Supplement No. 4 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HJR 22

A message dated April 12, 2001, was read stating the Senate has passed CSHJR 22(RLS) with the following amendments and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 22(STA) am S

Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to continue their conclusive investigation and requesting the criminal justice system to take rapid action to reach the determination of this case.

CSHJR 22(RLS) is under Unfinished Business.

COMMUNICATIONS

The following was received:

Dept. of Administration
Division of General Services
Notification of Real Property Leases,
Barrow, Alaska
April 10, 2001
(as required by AS 36.30.080)

REPORTS OF STANDING COMMITTEES

HB 17

The State Affairs Committee has considered:

HOUSE BILL NO. 17

"An Act relating to the capital projects fund, to distribution of money in the earnings reserve account of the Alaska permanent fund to the capital projects fund and to the dividend fund at the end of fiscal year 2001, and to increasing the amount of permanent fund dividends for calendar year 2001; and providing for an effective date."

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

Do pass (2): Stevens, Fate

No recommendation (5): Wilson, Crawford, James, Hayes, Coghill

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 17 was referred to the Finance Committee.

HB 135

The Judiciary Committee has considered:

HOUSE BILL NO. 135

"An Act relating to municipal fees for certain police protection services."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 135(JUD)

(same title)

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

Do pass (2): James, Meyer

No recommendation (3): Berkowitz, Coghill, Rokeberg

The following fiscal note(s) apply to CSHB 135(JUD):

1. Zero, Dept. of Community & Economic Development

HB 135 was referred to the Rules Committee for placement on the calendar.

**The presence of Representatives Kookesh and Moses was noted.

HB 200

The State Affairs Committee has considered:

HOUSE BILL NO. 200

"An Act establishing July 3 as Drunk Driving Victims Remembrance Day."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 200(STA)

(same title)

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

Do pass (6): Wilson, Stevens, James, Hayes, Crawford, Coghill

No recommendation (1): Fate

The following fiscal note(s) apply to CSHB 200(STA):

1. Zero, House State Affairs Committee/Office of the Governor

HB 200 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Williams was noted.

HB 205

The Resources Committee has considered:

HOUSE BILL NO. 205

"An Act relating to resource development and to grants for the purpose of promoting resource development from appropriations of a portion of the revenue derived from the extraction of certain state natural resources."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 205(RES)

"An Act relating to resource development, to the new business incentive program, and to matching grants for the purpose of promoting resource development from appropriations of a portion of the revenue derived from the extraction of certain state natural resources."

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

Do pass (4): Chenault, McGuire, Fate, Masek

No recommendation (2): Stevens, Green

Amend (1): Kerttula

The following fiscal note(s) apply to CSHB 205(RES):

1. Fiscal, Dept. of Natural Resources

HB 205 was referred to the Finance Committee.

**The presence of Representative Mulder was noted.

HB 242

The State Affairs Committee has considered:

HOUSE BILL NO. 242

"An Act relating to reemployment of and medical benefits for retired members of the teachers' retirement system and public employees' retirement system; relating to the inclusion of cost-of-living differentials on compensation and benefits under the public employees' retirement system; and providing for an effective date."

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

Do pass (6): Wilson, Stevens, Crawford, James, Fate, Hayes

No recommendation (1): Coghill

The following fiscal note(s) apply:

1. Fiscal, Dept. of Administration

HB 242 was referred to the Finance Committee.

SJR 17

The State Affairs Committee has considered:

CS FOR SENATE JOINT RESOLUTION NO. 17(STA)

Relating to requesting that President Bush renounce and reverse Clinton Administration anti-gun-ownership policies and reorient the United States Department of Justice towards policies that accurately reflect the intent of the Second Amendment to the United States Constitution to grant individual Americans the right to keep and bear arms.

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, Senate State Affairs Committee

CSSJR 17(STA) was referred to the Rules Committee for placement on the calendar.

SB 65

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 65(FIN)

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

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

Do pass (6): Wilson, Stevens, Crawford, James, Hayes, Fate

The following fiscal note(s) apply:

2. Fiscal, Senate Rules Committee/Dept. of Administration

CSSB 65(FIN) was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES

HB 71

The House Special Committee on Education has considered:

HOUSE BILL NO. 71

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 71(EDU)

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

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

Do pass (2): Joule, Guess

Do not pass (1): Porter

No recommendation (1): Bunde

Amend (1): Green

The following fiscal note(s) apply to CSHB 71(EDU):

1. Zero, Dept. of Education & Early Development

HB 71 was referred to the Health, Education & Social Services Committee.

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

HB 246

HOUSE BILL NO. 246 by the House Labor & Commerce Committee by request, entitled:

"An Act relating to confidentiality of records and to cease and desist orders of the division of insurance, to insurance company investments, to unauthorized insurers, to surplus lines insurance, to health insurance, to life insurance, to annuity insurance, to consumer credit insurance, to title insurance, and to hospital and medical service corporations; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 149

The following was read the second time:

HOUSE BILL NO. 149

"An Act relating to correctional facility space and to authorizing the Department of Corrections to enter into an agreement to lease facilities for the confinement and care of prisoners within the Kenai Peninsula Borough."

with the:

Journal Page

STA RPT 4DP 2NR 1AM	682
FN1: ZERO(REV)	682
FN2: (COR)	682
FIN RPT CS(FIN) NT 4DP 2DNP 2NR 1AM	920
FN2: (COR)	921
FN3: (REV)	921

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. 149(FIN)

"An Act expressing legislative intent without the force of law regarding correctional facility space; relating to correctional facility space; authorizing the Department of Corrections to enter into an agreement to lease facilities for the confinement and care of prisoners within the Kenai Peninsula Borough; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Croft:

Page 2, line 24, following "process" through line 28:

Delete all material.

Insert ". Notwithstanding other criteria, the competitive process must use cost to the state as the predominate factor and the ability to provide appropriate services for Native Alaskan inmates as a significant factor in evaluating the award."

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

Representative Mulder objected.

**The presence of Representative Kohring was noted.

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

CSHB 149(FIN)
Second Reading
Amendment No. 1

YEAS: 13 NAYS: 23 EXCUSED: 4 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Green, Guess, Halcro, Hayes, Kerttula, Moses, Scalzi, Whitaker

Nays: Bunde, Chenault, Coghill, Dyson, Fate, Foster, Harris, Hudson, James, Joule, Kapsner, Kohring, Kookesh, Kott, Lancaster, Meyer, Morgan, Mulder, Murkowski, Porter, Stevens, Williams, Wilson

Excused: Masek, McGuire, Ogan, Rokeberg

Cissna changed from "Nay" to "Yea".

Kapsner changed from "Yea" to "Nay".

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Croft:

Page 2, lines 5 - 6:

Delete "should be approximately \$89 in current dollars;"

Page 2, line 31 through page 3, line 1:

Delete all material.

Insert

"(1) the lease must have a minimum of 800 prison beds;
(2) the lease payments may not exceed \$89, in current dollars, per day per inmate;
(3) the lease payments must be sufficient to cover"

Renumber the following paragraphs accordingly.

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

Representative Mulder objected.

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

CSHB 149(FIN)

Second Reading

Amendment No. 2

YEAS: 14 NAYS: 21 EXCUSED: 4 ABSENT: 1

Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Green, Halcro, Hayes, Hudson, Kerttula, Moses, Murkowski, Scalzi, Whitaker

Nays: Bunde, Chenault, Coghill, Dyson, Fate, Foster, Harris, James, Joule, Kapsner, Kohring, Kookesh, Kott, Lancaster, Meyer, Morgan, Mulder, Porter, Stevens, Williams, Wilson

Excused: Masek, McGuire, Ogan, Rokeberg

Absent: Guess

And so, Amendment No. 2 was not adopted.

Amendment No. 3 (title amendment) was offered by Representative Davies:

Page 1, line 1:

Delete "**without force of law**"

Representative Davies moved and asked unanimous consent that Amendment No. 3 be adopted.

Objection was heard and withdrawn. There being no further objection, Amendment No. 3 was adopted and the new title appears below:

CS FOR HOUSE BILL NO. 149(FIN)(title am)

"An Act expressing legislative intent regarding correctional facility space; relating to correctional facility space; authorizing the Department of Corrections to enter into an agreement to lease facilities for the confinement and care of prisoners within the Kenai Peninsula Borough; and providing for an effective date."

Representative James moved and asked unanimous consent that CSHB 149(FIN)(title am) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSHB 149(FIN)(title am) will advance to third reading on the April 18, 2001, calendar.

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 - Sand Point Eagles Boys Basketball Team, 2001 1A Champions

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

In Memoriam - Dolly P. Jensen

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

CONCUR IN SENATE AMENDMENTS**HJR 22**

Representative James moved and asked unanimous consent that the House consider the Senate message (page 1008) on the following at this time:

CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS)

Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to continue their conclusive investigation and requesting the criminal justice system to take rapid action to reach the determination of this case.

and

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 22(STA) am S

(same title)

There being no objection, it was so ordered.

Representative James moved that the House concur in the Senate amendments to CSHJR 22(RLS), thus adopting SCS CSHJR 22(STA) am S and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendments to CSHJR 22(RLS)?" The roll was taken with the following result:

SCS CSHJR 22(STA) am S
Concur

YEAS: 5 NAYS: 30 EXCUSED: 4 ABSENT: 1

Yeas: Chenault, Coghill, Dyson, Kohring, Meyer

Nays: Berkowitz, Bunde, Cissna, Crawford, Croft, Davies, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kookesh, Kott, Lancaster, Morgan, Mulder, Murkowski, Porter, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Masek, McGuire, Ogan, Rokeberg

Absent: Moses

And so, the House failed to concur in the Senate amendments, thus failing to adopt SCS CSHJR 22(STA) am S.

The Chief Clerk was instructed to so notify the Senate and respectfully request it to recede.

UNFINISHED BUSINESS

HB 167

The Speaker waived the Finance Committee referral for the following at the request of Representative Williams, Co-chair:

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."

HB 167 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

HB 85

Representative Guess added her name as cosponsor to:

HOUSE BILL NO. 85

"An Act relating to conduct directed at a school employee as an aggravating factor for criminal sentencing purposes."

HB 173

Representative Morgan added his name as cosponsor to:

HOUSE BILL NO. 173

"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."

HB 226

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 226

"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."

HB 228

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 228

"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."

HB 242

Representative Hayes added his name as cosponsor to:

HOUSE BILL NO. 242

"An Act relating to reemployment of and medical benefits for retired members of the teachers' retirement system and public employees' retirement system; relating to the inclusion of cost-of-living differentials on compensation and benefits under the public employees' retirement system; 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:

Rules Committee
CONTINUED

1:00 p.m., 4/17

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 18, 2001. There being no objection, the House adjourned at 12:29 p.m.

Suzi Lowell
Chief Clerk