

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

April 18, 2001

One Hundred First Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:11 a.m.

Roll call showed 29 members present. Representative Joule had been previously excused from a call of the House today. Representatives Ogan and Wilson were excused from a call of the House today due to illness. Representatives Cissna, Croft, Davies, Guess, Kerttula, Kookesh, Masek, and Mulder were absent and their presence was noted later.

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

So justice is far from us and righteousness does not reach us.
We look for light, but all is darkness: we look for brightness
but we walk in deep shadows. (Isaiah 59:9)

Once again, our God, we come before You at this Order of Business not just because of tradition or House rules, but because we need Your help and we need to be reminded that we need Your help.

Lord, I thank You for the inner voice of conscience and Your guidance that helps these representatives distinguish between good and evil -- right and wrong. But where they are called upon to choose between two courses and both are good and commendable, they need the crystal clarity of Your guidance. And we admit it is not easy to distinguish between the good and the best -- or the bad and the very bad.

When there are more questions than answers -- more shadows than sunshine -- let us humbly take Your hand and let You lead.

For thy Namesake and the good of this state I pray. Amen.

The Pledge of Allegiance was led by Representative Meyer.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 100th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HB 103

A message dated April 17, 2001, was read stating the President has granted limited powers of free conference to the Senate members of the Conference Committee considering:

CS FOR HOUSE BILL NO. 103(FIN)(brf sup maj fld)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 103(FIN)(brf sup maj fld S)
(same title)

The Speaker had previously granted the limited powers of free conference as requested (page 985).

HB 104

A message dated April 17, 2001, was read stating the President has granted limited powers of free conference to the Senate members of the Conference Committee considering:

CS FOR HOUSE BILL NO. 104(FIN)

"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

SENATE CS FOR CS FOR HOUSE BILL NO. 104(FIN)(brf sup
maj fld S)
(same title)

The Speaker had previously granted the limited powers of free conference as requested (page 986).

COMMUNICATIONS

The following was received:

Dept. of Community & Economic Development
Division of Banking, Securities, and Corporations
Alaska Growth Capital BIDCO, Inc.
Economic Development Effect
April 4, 2001
(as required by AS 10.13.590)

REPORTS OF STANDING COMMITTEES**HB 174**

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 174

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

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

No recommendation (5): Coghill, Wilson, Joule, Stevens, Dyson

Amend (2): Kohring, Cissna

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

HB 174 was referred to the Judiciary Committee.

HB 187

The Finance Committee has considered:

HOUSE BILL NO. 187

"An Act relating to the destruction, desecration, and vandalism of cemeteries and graves."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 187(JUD)
(same title)

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

Do pass (11): Bunde, Whitaker, Harris, Croft, Davies, Lancaster, Hudson, Foster, Moses, Mulder, Williams

The following fiscal note(s) apply to CSHB 187(JUD):

1. Zero, Dept. of Law
2. Zero, Alaska Court System
3. Indeterminate, Dept. of Administration

HB 187 was referred to the Rules Committee for placement on the calendar.

**The presence of Representatives Cissna and Mulder was noted.

HB 194

The Finance Committee has considered:

HOUSE BILL NO. 194

"An Act relating to fees for commercial fishing licenses and permits; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 194(FIN)
(same title)

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

Do pass (9): Harris, Croft, Davies, Lancaster, Hudson, Foster, Moses, Mulder, Williams

No recommendation (1): Bunde

The following fiscal note(s) apply to CSHB 194(FIN):

2. Fiscal, Dept. of Fish & Game
3. Fiscal, Dept. of Fish & Game

HB 194 was referred to the Rules Committee for placement on the calendar.

HB 204

The Finance Committee has considered:

HOUSE BILL NO. 204

"An Act relating to the Alaska Commission on Postsecondary Education and the Alaska Student Loan Corporation; relating to student financial aid programs and the financing of those programs; establishing the Alaska Advantage Loan Program and the Alaska Supplemental Education Loan Program; increasing the bonding authorization of the Alaska Student Loan Corporation; providing for liens resulting from a default under AS 14.43 or AS 14.44; relating to the duties of the recorder regarding those liens; relating to defaults under the Western Regional Higher Education Compact; relating to the prohibition on discrimination regarding

programs under AS 14.43; relating to fees for the review of certain postsecondary institutions; making conforming amendments; and providing for an effective date."

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

Do pass (9): Bunde, Whitaker, Harris, Croft, Moses, Lancaster, Hudson, Foster, Williams

Amend (1): Davies

The following fiscal note(s) apply:

2. Fiscal, Dept. of Education & Early Development

HB 204 was referred to the Rules Committee for placement on the calendar.

SJR 21

The Health, Education & Social Services Committee has considered:

CS FOR SENATE JOINT RESOLUTION NO. 21(HES)
Urging the United States Congress to extend the authorization date for supplemental block grants to the State of Alaska under the Federal Temporary Assistance to Needy Families Program.

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

Do pass (4): Wilson, Cissna, Joule, Stevens

Do not pass (1): Coghill

No recommendation (1): Dyson

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

CSSJR 21(HES) was referred to the Finance Committee.

**The presence of Representative Kookesh was noted.

INTRODUCTION OF CITATIONS

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

Honoring - East Anchorage High School Girls 2001 Class 4-A State Basketball Champions

By Representative Meyer

Honoring - Dr. Ralph Gabrielli

By Representatives Hayes, Davies; Senators Wilken, Therriault

Honoring - Jim Hickey Upon His Retirement

By Representative Mulder

Honoring - Carlos Boozer

By Senator Elton; Representatives Hudson, Kerttula

In Memoriam - Jerry Michael Williams

By Representative Rokeberg

In Memoriam - Reverend Robert G. Palmer

By Representative Rokeberg

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 247

HOUSE BILL NO. 247 by Representative Meyer, entitled:

"An Act relating to the detention of delinquent minors and to temporary detention hearings; amending Rule 12, Alaska Delinquency Rules; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 121

The following was read the second time:

HOUSE BILL NO. 121

"An Act relating to the issuance of qualified charitable gift annuities."

with the:	Journal Page
L&C RPT CS(L&C) 5DP 2NR	724
FN1: ZERO(CED)	725
JUD RPT CS(L&C) 4DP	901
FN1: ZERO(CED)	901

**The presence of Representative Kerttula was noted.

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. 121(L&C)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 121(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 121(L&C) was read the third time.

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

The question being: "Shall CSHB 121(L&C) pass the House?" The roll was taken with the following result:

CSHB 121(L&C)
 Third Reading
 Final Passage

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

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

Excused: Joule, Ogan, Wilson

Absent: Croft

And so, CSHB 121(L&C) passed the House and was referred to the Chief Clerk for engrossment.

HB 193

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

HOUSE BILL NO. 193

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

HB 214

The following was read the second time:

HOUSE BILL NO. 214

"An Act relating to a civil action against a person under 21 years of age who enters premises where alcohol is sold or consumed."

with the:

Journal Page

L&C RPT CS(L&C) 6DP

954

FN1: ZERO(REV)

954

JUD RPT CS(L&C) 4DP 1NR
FN1: ZERO(REV)

982
983

**The presence of Representative Croft was noted.

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. 214(L&C)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 214(L&C) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSHB 214(L&C) will advance to third reading on the April 19, 2001, calendar.

THIRD READING OF HOUSE BILLS

HB 149

The following, which was advanced to third reading from the April 17, 2001 calendar (page 1018), was read the third time:

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."

The question being: "Shall CSHB 149(FIN)(title am) pass the House?" The roll was taken with the following result:

CSHB 149(FIN)(title am)
Third Reading
Final Passage

YEAS: 26 NAYS: 10 EXCUSED: 3 ABSENT: 1

Yeas: Chenault, Coghill, Davies, Dyson, Fate, Foster, Guess, Harris, Hudson, James, Kapsner, Kohring, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Williams

Nays: Berkowitz, Cissna, Crawford, Croft, Green, Halcro, Hayes, Kerttula, Moses, Whitaker

Excused: Joule, Ogan, Wilson

Absent: Bunde

And so, CSHB 149(FIN)(title am) passed the House.

Representative James moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSHB 149(FIN)(title am)
Third Reading
Effective Date

YEAS: 34 NAYS: 2 EXCUSED: 3 ABSENT: 1

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

Nays: Cissna, Whitaker

Excused: Joule, Ogan, Wilson

Absent: Bunde

And so, the effective date clause was adopted.

CSHB 149(FIN)(title am) was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE BILLS

(continued)

HB 193

The following, which was moved to the bottom of the calendar (page 1033), was read the second time:

HOUSE BILL NO. 193

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

with the:	Journal Page
STA RPT CS(STA) 3DP 2DNP 2NR	839
FN1: (GOV)	839
JUD RPT CS(JUD) NT 3DP 1DNP 1AM	879
FN1: (GOV)	880
FIN RPT CS(FIN) NT 5DP 2NR 1AM	950
FN2: (GOV)	951

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. 193(FIN)

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

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Berkowitz:

Page 1, line 9, following "next":

Delete "primary"
Insert "general"

Page 1, line 11, through Page 3, line 24:

Delete all material and insert:

** **Sec 2.** AS 15.20.225 is amended to read:

Sec. 15.20.225. Definition of "state election". In AS 15.20.010 - 15.20.225, "state election" means a [PRIMARY,] general [,] or special election a purpose of which is to

(1) select [, NOMINATE,] or elect a governor, a lieutenant governor, an acting governor, a state senator, or a state representative;

(2) select, nominate, or elect delegates to a constitutional convention;

(3) approve or reject an initiative submitted under art. XI of the state constitution and AS 15.45.190 - 15.45.200 or a referendum submitted under art. XI of the state constitution and AS 15.45.420 - 15.45.440;

(4) recall an official identified in (1) of this section when authorized by art. XI of the state constitution and AS 15.45.650 - 15.45.690;

(5) approve or reject a proposed constitutional amendment submitted under AS 15.50; or

(6) ratify or reject a state general obligation bond when authorized by AS 37.15."

Renumber the following bill sections accordingly.

Page 3, lines 27 - 28 and line 31 following "time,":

Delete "**on the day of the primary election**"

Insert "**August 15**"

Page 4, line 3, following "mailing.":

Delete "[IF JUNE 1 IS A SUNDAY OR HOLIDAY, THE DEADLINES FOR POSTMARKING AND RECEIPT OF THE PETITION SHALL BE EXTENDED 24 HOURS IN EACH INSTANCE.]"

Insert "If **August 15** [JUNE 1] is a Sunday or holiday, the deadlines for postmarking and receipt of the petition shall be extended 24 hours in each instance."

Page 4, lines 21 - 22:

Delete all material.

Renumber the following paragraphs accordingly.

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

Representative James objected.

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

CSHB 193(FIN)
Second Reading
Amendment No. 1

YEAS: 13 NAYS: 23 EXCUSED: 3 ABSENT: 1

Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Guess, Hayes, Hudson, Kapsner, Kerttula, Kookesh, Moses, Williams

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

Excused: Joule, Ogan, Wilson

Absent: Masek

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Berkowitz:

Page 4, line 12:

Delete all material.

Renumber the following paragraphs accordingly.

Page 5, line 14, following "names":

Delete "and the political group affiliation"

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

Representative Rokeberg objected.

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

CSHB 193(FIN)
Second Reading
Amendment No. 2

YEAS: 9 NAYS: 26 EXCUSED: 3 ABSENT: 2

Yeas: Berkowitz, Cissna, Crawford, Croft, Guess, Hudson, Kerttula, Kookesh, Moses

Nays: Bunde, Chenault, Coghill, Davies, Dyson, Fate, Foster, Green, Halcro, Harris, Hayes, James, Kapsner, Kohring, Kott, Lancaster, McGuire, Meyer, Morgan, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams

Excused: Joule, Ogan, Wilson

Absent: Masek, Mulder

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was offered by Representative Croft:

Page 3, following line 4:

Insert a new subsection to read:

"(d) The director shall charge a fee to a political party to recover the costs of preparing under AS 15.25.010 and (b) of this section the party's ballot containing the names of that party's candidates, unless the party has notified the director that its bylaws permit members of other political parties to participate in the party's primary election. The director shall adopt regulations to implement this subsection."

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

Objection was heard.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSHB 193(FIN)
Second Reading
Amendment No. 3

YEAS: 10 NAYS: 25 EXCUSED: 3 ABSENT: 2

Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Guess, Hayes, Kapsner, Kookesh, Moses

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

Excused: Joule, Ogan, Wilson

Absent: Halcro, Kerttula

And so, Amendment No. 3 was not adopted.

Amendment No. 4 was offered by Representative Cissna:

Page 1, line 1, through page 5, line 28 (title amendment):
Delete all material and insert:

""An Act providing for a nonpartisan blanket primary election.""

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* **Section 1.** AS 15.13.060(c) is amended to read:

(c) Each candidate for state office shall file the name and address of the campaign treasurer with the commission, or submit, in writing, the name and address of the campaign treasurer to the director for filing with the commission, no later than 15 days after the date of filing [THE DECLARATION OF CANDIDACY OR] the nominating petition. Each candidate for municipal office shall file the name and address of the campaign treasurer with the

commission no later than seven days after the date of filing the declaration of candidacy or the nominating petition. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer.

* **Sec. 2.** AS 15.13.074(c) is amended to read:

(c) A person or group may not make a contribution

(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or

(3) to any candidate later than the 45th day

(A) after the date of a primary election if the candidate

(i) has been **chosen to appear on the general election ballot** [NOMINATED] at the primary election or is running as a write-in candidate; and

(ii) is not opposed at the general election;

(B) after the date of the primary election if the candidate was not **chosen to appear on the general election ballot** [NOMINATED] at the primary election; or

(C) after the date of the general election, or after the date of a municipal or municipal runoff election, if the candidate was opposed at the general, municipal, or municipal runoff election.

* **Sec. 3.** AS 15.13.110(a) is amended to read:

(a) Each candidate and group shall make a full report in accordance with AS 15.13.040 for the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. If the report is a first report, it shall cover the period from the beginning of the campaign to the date three days before the due date of the report. If the report is a report due February 15, it shall cover the period beginning on the last day covered by the most recent previous report or on the day that the campaign started, whichever is later, and ending on December 31 of the prior year. The report shall be filed

(1) 30 days before the election; however, this report is not required if the deadline for filing a nominating petition [OR DECLARATION OF CANDIDACY] is within 30 days of the election;

(2) one week before the election;

(3) 10 days after the election; and

(4) February 15 for expenditures made and contributions received that were not reported during the previous year, including, if applicable, all amounts expended from a public office expense term account established under AS 15.13.116(a)(8) and all amounts expended from a municipal office account under AS 15.13.116(a)(9), or when expenditures were not made or contributions were not received during the previous year.

* **Sec. 4.** AS 15.13.116(b) is amended to read:

(b) After a general, special, municipal, or municipal runoff election, a candidate may retain the ownership of one computer and one printer and of personal property, except money, that was acquired by and for use in the campaign. The current fair market value of the property retained, exclusive of the computer and printer, may not exceed \$2,500. All other property shall be disposed of, or sold and the sale proceeds disposed of, in accordance with (a) or (c) of this section. Notwithstanding any other provision of this chapter, a candidate may (1) retain a bulk mailing permit that was paid for with campaign funds, and (2) use personal funds, campaign funds, or unused campaign contributions transferred to a public office expense term account under (a)(8) of this section to pay the continuing charges for the permit after the

election. Money used to continue the life of the permit is not considered to be a contribution under this chapter. In addition to any other use permitted under this chapter, during the candidate's term of office, the candidate may use the bulk mailing permit for mailings associated with service in the office to which the candidate was elected. During the candidate's term of office, if the candidate files a **nominating petition** [DECLARATION OF CANDIDACY] or a letter of intent to become a candidate for the same or a different elective office, the candidate may also use the bulk mailing permit in that election campaign.

* **Sec. 5.** AS 15.20.082(c) is repealed and reenacted to read:

(c) A special state absentee ballot prepared for the state general election or for a state special election shall, if the names of candidates are not yet certified, include the names of each candidate appearing on the primary election ballot. The ballot shall permit the voter to vote in the general election by indicating the voter's order of preference for each candidate for each office. To indicate order of preference for each candidate for each office to be voted on in the election, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number two for the voter's second choice, and so forth, so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to each candidate's name on the ballot. For each office, the director shall count the vote as being for the highest ranked candidate whose name appears on the general or special election ballot. If the voter writes in a name for an office, the vote shall be counted as a write-in vote for that office.

* **Sec. 6.** AS 15.25.010 is amended to read:

Sec. 15.25.010. Provision for primary election. Candidates for the elective state executive and state and national legislative offices shall be **chosen to appear on the general election ballot** [NOMINATED] in a primary election by direct vote of the people in the manner prescribed by this chapter.

* **Sec. 7.** AS 15.25.042(c) is amended to read:

(c) If a candidate for the legislature has been registered to vote at any time during the 12 months preceding

the filing of the **nominating petition** [DECLARATION OF CANDIDACY] in a district other than the district in which the **nominating petition** [DECLARATION OF CANDIDACY] has been filed, the director may not determine that a candidate is eligible except under a standard of clear and convincing evidence.

* **Sec. 8.** AS 15.25.050(a) is amended to read:

(a) At the time the **nominating petition** [DECLARATION] is filed, each candidate shall pay a nonrefundable filing fee to the director. The filing fee for candidates for office of governor, lieutenant governor, United States senator, and United States representative is \$100. The filing fee for candidates for office of state senator and state representative is \$30.

* **Sec. 9.** AS 15.25.100 is repealed and reenacted to read:

Sec. 15.25.100. Placement of nominees on general election ballot. (a) Of the names of candidates that appear on the primary election ballot under AS 15.25.190, the director shall place on the general election ballot the names of the candidates receiving the greatest number of votes and the second greatest number of votes for an office, except as provided in (b) and (c) of this section.

(b) If two candidates tie

(1) in having the greatest number of votes for an office in the primary election, the director shall place only the names of those two candidates for that office on the general election ballot;

(2) in having the second greatest number of votes, the director shall place on the general election ballot the name of only one of the candidates who tied for that office, to be determined by lot under AS 15.20.530.

(c) For the office of lieutenant governor, the director shall place on the general election ballot

(1) together with the name of the candidate for governor who received the greatest number of votes in the primary election, the name of either the candidate for lieutenant governor receiving the greatest number of votes or the candidate for lieutenant governor receiving the second greatest number of votes, whichever the candidate for governor chooses to run jointly with; and

(2) together with the name of the candidate for governor who received the second greatest number of votes in the primary election, the name of either the candidate for lieutenant governor receiving the greatest number of votes, or the candidate for lieutenant governor receiving the second greatest number of votes, whichever was not chosen to run jointly with the candidate for governor who received the greatest number of votes.

* **Sec. 10.** AS 15.25.105(a) is amended to read:

(a) If a candidate does not appear on the primary election ballot or is not successful in advancing to the general election and wishes to be a candidate in the general election, the candidate may file as a write-in candidate. Votes for a write-in candidate may not be counted unless that candidate has filed a letter of intent with the director stating

(1) the full name of the candidate;
(2) the full residence address of the candidate and the date on which residency at that address began;

(3) the full mailing address of the candidate;
(4) the name of the political party or political group of which the candidate is a member, if any;

(5) if the candidate is for the office of state senator or state representative, the house or senate district of which the candidate is a resident;

(6) the office that the candidate seeks;
(7) the date of the election at which the candidate seeks election;

(8) the length of residency in the state and in the house district of the candidate;

(9) the name of the candidate as the candidate wishes it to be written on the ballot by the voter;

(10) that the candidate meets the specific citizenship requirements of the office for which the person is a candidate;

(11) that the candidate will meet the specific age requirements of the office for which the person is a candidate by the time that the candidate, if elected, is sworn into office;

(12) that the candidate is a qualified voter as required by law; and

(13) that the candidate is not a candidate for any other office to be voted on at the general election and that the candidate is not a candidate for this office under any other nominating petition [OR DECLARATION OF CANDIDACY].

* **Sec. 11.** AS 15.25.140 is amended to read:

Sec. 15.25.140. Provision for [NO-PARTY] candidate nominations. Candidates [NOT REPRESENTING A POLITICAL PARTY] are nominated by petition.

* **Sec. 12.** AS 15.25.180(a) is amended to read:

(a) The petition must state in substance

(1) the full name of the candidate;

(2) the full residence address of the candidate and the date on which residency at that address began;

(3) the full mailing address of the candidate;

(4) the name of the political **party or** group, if any, **of which** [SUPPORTING] the candidate **is a member**;

(5) if the candidacy is for the office of state senator or state representative, the house or senate district of which the candidate is a resident;

(6) the office for which the candidate is nominated;

(7) the date of the election at which the candidate seeks election;

(8) the length of residency in the state and in the district of the candidate;

(9) that the subscribers are qualified voters of the state or house or senate district in which the candidate resides;

(10) that the subscribers request that the candidate's name be placed on the primary election ballot;

(11) that the proposed candidate accepts the nomination and will serve if elected, with the statement signed by the proposed candidate;

(12) the name of the candidate as the candidate wishes it to appear on the ballot;

(13) that the candidate is not a candidate for any other office to be voted on at the primary or general election and that the candidate is not a candidate for this office under any other nominating petition [OR DECLARATION OF CANDIDACY];

(14) that the candidate meets the specific citizenship requirements of the office for which the person is a candidate;

(15) that the candidate will meet the specific age requirements of the office for which the person is a candidate by the time that the candidate, if elected, is sworn into office; and

(16) that the candidate is a qualified voter.

* **Sec. 13.** AS 15.25.185 is amended to read:

Sec. 15.25.185. Eligibility of candidate. The provisions of AS 15.25.042 and 15.25.043 apply to determinations of a candidate's eligibility when a candidate seeks nomination by petition under AS 15.25.140 - 15.25.200 [AS 15.25.140 - 15.25.205].

* **Sec. 14.** AS 15.25.190 is amended to read:

Sec. 15.25.190. Placement of names on primary election ballot. The director shall place the names and the political party or group affiliation of persons who have been properly nominated by petition on the primary election ballot.

* **Sec. 15.** AS 15.40.010 is amended to read:

Sec. 15.40.010. Conditions and time of filling vacancy by appointment and special election. When a vacancy occurs in the office of United States senator, the governor, within 30 days after the date of the vacancy, shall

(1) appoint a qualified person who, if the predecessor in office was a member of [NOMINATED BY] a political party, has been, for the six months before the date of the vacancy and is on the date of appointment, a member of the same political party as [THAT WHICH NOMINATED] the predecessor in office to fill the vacancy temporarily until the vacancy is filled permanently by election; and

(2) by proclamation and subject to this chapter, call a special primary election and a special election to fill the vacancy for the remainder of the term of the

predecessor in office if the predecessor's term would expire more than 30 calendar months after the date of the vacancy.

* **Sec. 16.** AS 15.40.075(b) is amended to read:

(b) **The** [NOTWITHSTANDING AS 15.25.040, THE] declaration of a member of a political party who seeks to become a candidate of the party in the special primary election under AS 15.40.010 is filed by either the actual physical delivery (1) of the declaration in person or by mail at or before 5:00 p.m., prevailing time, on the third day following the proclamation; or (2) by telegram or other reliable electronic means **of notice of the full name of the candidate, the full mailing address of the candidate, the office for which the candidate seeks nomination, and the name of the political party of which the person is a candidate for nomination** [OF A COPY IN SUBSTANCE OF THE STATEMENTS MADE IN PARAGRAPHS (1) - (5) OF THE DECLARATION AS REQUIRED BY AS 15.25.030(a)] at or before 5:00 p.m., prevailing time, on the third day following the proclamation and also the actual physical delivery of the **declaration, including the information specified in AS 15.25.105(a)** [DECLARATION CONTAINING PARAGRAPHS (1) - (16) AS REQUIRED BY AS 15.25.030(a)] to the United States Postal Service for delivery by the most expeditious means possible. If the declaration is not received within seven calendar days, the candidate shall be notified of nonreceipt. The candidate shall have the opportunity to refile the declaration with proof that a previous declaration has been filed in a timely manner and in accordance with law.

* **Sec. 17.** AS 15.40.075(d) is amended to read:

(d) The director shall place on the special election ballot the name of the **individuals** [INDIVIDUAL] receiving the greatest number of votes **and the second greatest number of votes** [BY A POLITICAL PARTY] in the special primary election under AS 15.40.010. [FOR PURPOSES OF PLACEMENT OF THE NAMES OF NOMINEES ON THE SPECIAL ELECTION BALLOT UNDER THIS SECTION, ALL CANDIDATES WHO PROPERLY FILE NOMINATING PETITIONS WITHOUT DESIGNATING A

POLITICAL GROUP NAME SHALL BE TREATED AS CANDIDATES OF THE SAME POLITICAL GROUP.]

* **Sec. 18.** AS 15.40.135 is amended to read:

Sec. 15.40.135. Definition. In AS 15.40.010 - 15.40.135, "special primary election" means an election under AS 15.40.010 for the purpose of **choosing two candidates to appear on the ballot** [DETERMINING WHO WILL REPRESENT A POLITICAL PARTY] in a special election to fill a vacancy of United States senator.

* **Sec. 19.** AS 15.40.190 is amended to read:

Sec. 15.40.190. Requirements of petition for [NO-PARTY] candidates. Petitions for the nomination of candidates [NOT REPRESENTING A POLITICAL PARTY] shall be signed by qualified voters of the state equal in number to at least one percent of the number of voters who cast ballots in the preceding general election and shall state in substance that which is required for nomination petitions by AS 15.25.180.

* **Sec. 20.** AS 15.40.280 is amended to read:

Sec. 15.40.280. Requirements of petition for [NO-PARTY] candidates. Petitions for the nomination of candidates [NOT REPRESENTING A POLITICAL PARTY] shall be signed by qualified voters of the state equal in number to at least one percent of the number of voters who cast ballots in the preceding general election, shall include nominees for the office of governor and lieutenant governor, and shall state in substance that which is required for nomination petitions by AS 15.25.180.

* **Sec. 21.** AS 15.40.330(a) is amended to read:

(a) The appointee shall meet the qualifications of a member of the legislature as prescribed in sec. 2, art. II of the state constitution, shall be a member of the same political party as [THAT WHICH NOMINATED] the predecessor in office, and shall be subject to confirmation by a majority of the members of the legislature who are members of the same political party **as** [WHICH NOMINATED] the predecessor in office and of the same house as was the predecessor in office. If [THE PREDECESSOR IN OFFICE WAS NOT NOMINATED BY A POLITICAL PARTY OR IF] no other member of the predecessor's political party is a member of the

predecessor's house of the legislature, the governor may appoint any qualified person. If the appointee is not a member of a political party, the appointment is not subject to confirmation. If the appointee is a member of a political party, the appointment is subject to confirmation as provided by this section for the confirmation of political party appointees.

- * **Sec. 22.** AS 15.40.440 is amended to read:

Sec. 15.40.440. Requirements of petition for [NO-PARTY] candidates. Petitions for the nomination of candidates [NOT REPRESENTING A POLITICAL PARTY] shall be signed by qualified voters equal in number to at least one percent of the number of voters who cast ballots in the proposed nominee's respective house or senate district in the preceding general election. A nominating petition may not contain less than 50 signatures for any district, and must state in substance that which is required in petitions for nomination by AS 15.25.180.

- * **Sec. 23.** AS 15.58.030(b) is amended to read:

(b) No later than July 22 of a year in which a state general election will be held, an individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.180 [AS 15.25.030 OR 15.25.180] may file with the lieutenant governor a photograph and a statement advocating the candidacy. An individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative by party petition [FILED UNDER AS 15.25.110] may file with the lieutenant governor a photograph and a statement advocating the candidacy within 10 days of becoming a candidate.

- * **Sec. 24.** AS 39.50.020(b) is amended to read:

(b) A public official other than an elected or appointed municipal officer shall file the statement with the Alaska Public Offices Commission. Candidates for the office of governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.180 [AS 15.25.030 OR 15.25.180]. Municipal officers, and candidates for elective municipal

office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

* **Sec. 25.** AS 15.25.030, 15.25.040, 15.25.056, 15.25.110, 15.25.120, 15.25.130, 15.25.205; AS 15.40.200, 15.40.210, 15.40.290, 15.40.300, 15.40.450, and 15.40.460 are repealed."

Representative Cissna moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Kott objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

CSHB 193(FIN)
Second Reading
Amendment No. 4

YEAS: 7 NAYS: 27 EXCUSED: 3 ABSENT: 3

Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Kapsner, Kookesh

Nays: Bunde, Chenault, Coghill, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker

Excused: Joule, Ogan, Wilson

Absent: Kerttula, Moses, Williams

And so, Amendment No. 4 was not adopted.

Representative James moved and asked unanimous consent that CSHB 193(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSHB 193(FIN) will advance to third reading on the April 19, 2001, calendar.

UNFINISHED BUSINESS

HB 20

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 20

"An Act relating to state aid to municipalities and certain other recipients, and for the village public safety officer program; relating to municipal dividends; relating to the public safety foundation program; and providing for an effective date."

HB 101

Representative Mulder added his name as cosponsor to:

HOUSE BILL NO. 101

"An Act relating to charter schools; and providing for an effective date."

HB 173

Representative Stevens 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 214

Representative Murkowski added her name as cosponsor to:

CS FOR HOUSE BILL NO. 214(L&C)

"An Act relating to a civil action against a person under 21 years of age who enters premises where alcohol is sold or consumed."

HB 228

Representative Crawford added his 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."

SB 65

Representative Green 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."

SB 93

Representatives Mulder and Foster added their names as cross sponsors to:

CS FOR SENATE BILL NO. 93(FIN)

"An Act relating to the Arctic Winter Games Team Alaska trust; and providing for an effective date."

ENGROSSMENT**HB 121**

CSHB 121(L&C) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 149

CSHB 149(FIN)(title am) 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., 4/18

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 19, 2001. There being no objection, the House adjourned at 11:55 a.m.

Suzi Lowell
Chief Clerk