

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

March 13, 2002

Fifty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 2:34 p.m.

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

Representative James moved and asked unanimous consent that Representative Green's previous excuse (page 2367) be extended to 9:00 p.m. tonight. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Connie Munro of the Juneau Unitarian Universalist Fellowship. Representative Davies moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Unitarian Reading for
March -Women's History Month
by Judy Chicago

And Then

And all that has divided us will merge
And then softness will come to the world that is harsh and unkind
And then both men and women will be strong
And then no one person will be subject to another's will
And then all will be rich and free and varied
And then all will share equally in the Earth's abundance
And then all will nourish the young
And then all will cherish life's creatures
And then all will live in harmony with each other and the Earth.

And Then - Women in Politics by Connie Munro

Alaska's State Representatives
Sharon Cissna,
Gretchen Guess,
Jeannette James,
Mary Kapsner,
Beth Kerttula,
Beverly Masek,
Lesil McGuire,
Lisa Murkowski, and
Peggy Wilson,
Empowered women, women of responsibility,
Women of decision-making
Equal to their male colleagues
Together will sustain.

The Pledge of Allegiance was led by Representative Croft.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 52nd, 53rd, 54th, 55th, 56th, 57th, and 58th legislative days, House Journal Supplement No. 7, and Senate and House Joint Journal Supplement No. 14 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

HB 320

A message dated March 7, 2002, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE BILL NO. 320 am
"An Act relating to the use of electronic balloting equipment."

Chapter No. 6, SLA 2002
Effective Date: June 5, 2002

MESSAGES FROM THE SENATE**HB 291**

A message dated March 6, 2002, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 291(L&C)

"An Act relating to the requirements for obtaining a residential contractor endorsement."

CSHB 291(L&C) was referred to the Chief Clerk for enrollment.

**The presence of Representative Masek was noted.

COMMUNICATIONS

The following was received:

Dept. of Natural Resources
Office of the Commissioner
Determination to Take Oil and
Gas Royalty In-Value
March 5, 2002
(as required by AS 38.05.182)

REPORTS OF STANDING COMMITTEES**HB 208**

The Resources Committee has considered:

HOUSE BILL NO. 208

"An Act relating to aquatic farming of shellfish; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 208(RES)
(same title)

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

Do pass (6): Stevens, Green, McGuire, Kapsner, Fate, Scalzi

The following fiscal note(s) apply to CSHB 208(RES):

1. Zero, Dept. of Environmental Conservation
2. Fiscal, Dept. of Natural Resources
3. Fiscal, Dept. of Fish & Game
4. Fiscal, Dept. of Fish & Game

HB 208 was referred to the Finance Committee.

**The presence of Representative Ogan was noted.

HB 248

The State Affairs Committee has considered:

HOUSE BILL NO. 248

"An Act relating to retirement contributions and benefits under the public employees' retirement system of certain juvenile detention employees and juvenile correctional institution employees."

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

Do pass (5): Wilson, Crawford, Stevens, James, Fate

No recommendation (1): Coghill

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Administration

HB 248 was referred to the Finance Committee.

HB 287

The Resources Committee has considered:

HOUSE BILL NO. 287

"An Act relating to the exemption of commercial fishing entry permits from claims of creditors, to loans to satisfy past due federal tax obligations of commercial fishing entry permit holders, and to loan origination charges for loans made by the commercial fishing loan program to refinance a debt obligation; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 287(FSH)

"An Act relating to the exemption of commercial fishing entry permits from claims of creditors, to loans to satisfy past due federal tax obligations of commercial fishing entry permit holders, to the legal status of limited entry permits, and to loan origination charges for loans made by the commercial fishing loan program to refinance a debt obligation; and providing for an effective date."

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

Do pass (6): Stevens, Green, McGuire, Fate, Kapsner, Scalzi

The following fiscal note(s) apply to CSHB 287(FSH):

1. Zero, Dept. of Fish & Game
2. Fiscal, Dept. of Community & Economic Development

HB 287 was referred to the Finance Committee.

HB 352

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 352

"An Act extending the dates for assignment of performance designations of public schools and the dates for reports and monitoring based on those designations; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 352(HES)
(same title)

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

Do pass (4): Coghill, Kohring, Dyson, Stevens

Amend (2): Cissna, Joule

The following fiscal note(s) apply to CSHB 352(HES):

1. Zero, Dept. of Education & Early Development

HB 352 was referred to the Rules Committee for placement on the calendar.

HB 390

The Resources Committee has considered:

HOUSE BILL NO. 390

"An Act extending the termination dates of certain activities and salmon marketing programs of the Alaska Seafood Marketing Institute and of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date."

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

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

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

HB 390 was referred to the Finance Committee.

**The presence of Representative Halcro was noted.

HB 470

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 470

"An Act relating to common interest ownership; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 470(L&C)
(same title)

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

Do pass (7): Rokeberg, Meyer, Hayes, Crawford, Kott, Halcro, Murkowski

The following fiscal note(s) apply to CSHB 470(L&C):

1. Zero, Dept. of Community & Economic Development

HB 470 was referred to the Rules Committee for placement on the calendar.

HB 498

The State Affairs Committee has considered:

HOUSE BILL NO. 498

"An Act expressing legislative intent regarding privately operated correctional facility space and services; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement for the confinement and care of prisoners in privately operated correctional facility space; and providing for an effective date."

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

Do pass (3): Wilson, Stevens, James

Do not pass (2): Crawford, Fate

No recommendation (1): Coghill

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue
2. Fiscal, Dept. of Corrections

HB 498 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 - Lynn Harrison
By Representative James

In Memoriam - John Francis "Jack" Dinneen
By Representative Harris

In Memoriam - Vinton "Spike" Edwards
By Representative Lancaster

In Memoriam - Milton Ronald Schmitz, October 20, 1943 - March 1,
2002
By Senator Taylor

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 314**

The following was read the second time:

HOUSE BILL NO. 314

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

with the:	Journal Page
STA RPT CS(STA) NT 6DP 1NR	2432
FN1: ZERO(REV)	2433
FIN REFERRAL WAIVED	2494

**The presence of Representative Mulder 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. 314(STA)

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 314(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 314(STA) was read the third time.

The question being: "Shall CSHB 314(STA) pass the House?" The roll was taken with the following result:

CSHB 314(STA)
Third Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 2 ABSENT: 4

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

Excused: Fate, Green

Absent: Bunde, Masek, Mulder, Williams

And so, CSHB 314(STA) passed the House.

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.

CSHB 314(STA) was referred to the Chief Clerk for engrossment.

HB 374

The following was read the second time:

HOUSE BILL NO. 374

"An Act naming the David Douthit Veterans' Memorial Bridge."

with the:	Journal Page
TRA RPT 4DP 1NR	2335
FN1: ZERO(DOT)	2336

Representative James moved and asked unanimous consent that HB 374 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 374 was read the third time.

The question being: "Shall HB 374 pass the House?" The roll was taken with the following result:

HB 374
Third Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

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

Excused: Fate, Green

Absent: Masek, Mulder

And so, HB 374 passed the House and was referred to the Chief Clerk for engrossment.

HB 389

The following was read the second time:

HOUSE BILL NO. 389

"An Act changing the date of repeal of a provision authorizing an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date."

with the:

Journal Page

CRA RPT CS(CRA) NT 7DP
FN1: ZERO(CED)

2402
2403

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. 389(CRA)

"An Act eliminating the delayed repeal of a provision authorizing an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 389(CRA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 389(CRA) was read the third time.

The question being: "Shall CSHB 389(CRA) pass the House?" The roll was taken with the following result:

CSHB 389(CRA)

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1

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

Excused: Fate, Green

Absent: Rokeberg

And so, CSHB 389(CRA) passed the House.

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.

CSHB 389(CRA) was referred to the Chief Clerk for engrossment.

HB 418

The following was read the second time:

HOUSE BILL NO. 418

"An Act amending the Alaska Corporations Code as it relates to delivery of annual reports, notice of shareholders' meetings, proxy statements, and other information to shareholders, and providing for electronic proxy voting."

with the:

Journal Page

L&C RPT CS(L&C) NT 5DP 2NR
FN1: ZERO(CED)

2480
2481

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. 418(L&C)

"An Act amending the Alaska Corporations Code as it relates to delivery of annual reports, notice of shareholders' meetings, proxy statements, and other information and items to shareholders, to voting, and to proxies, including electronic proxy voting and proxy signing; and providing for an effective date."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 418(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 418(L&C) was read the third time.

The question being: "Shall CSHB 418(L&C) pass the House?" The roll was taken with the following result:

CSHB 418(L&C)
 Third Reading
 Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0

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

Excused: Fate, Green

And so, CSHB 418(L&C) passed the House.

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.

CSHB 418(L&C) was referred to the Chief Clerk for engrossment.

HB 420

The following was read the second time:

HOUSE BILL NO. 420

"An Act relating to the use of water; and providing for an effective date."

with the:	Journal Page
RES RPT 6DP 1NR	2363
FN1: ZERO(DNR)	2391

Amendment No. 1 (title amendment) was offered by Representative Kott:

Page 1, line 1, following "**An Act**":

Insert "**repealing certain sunset provisions**"

Representative Kott moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered and the new title follows:

HOUSE BILL NO. 420(title am)

"An Act repealing certain sunset provisions relating to the use of water; and providing for an effective date."

Representative James moved and asked unanimous consent that HB 420(title am) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that HB 420(title am) will be in third reading on the March 15, 2002, calendar.

LEGISLATIVE CITATIONS

Representative James moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

Honoring - University of Alaska Anchorage, School of Nursing

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

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 Dyson - from 7:05 a.m., March 23 to 10:04 a.m., plane time, March 25; and from 6:59 p.m., March 28 to 10:04 a.m., plane time, April 1, 2002

Representative Fate - from 5:00 p.m., March 28 to 10:00 p.m., plane time, March 31, 2002

Representative Foster - from 6:00 a.m., April 9 to 10:00 p.m., plane time, April 14, 2002

Representative Green - from 7:19 a.m., April 5 to 10:00 a.m., plane time, April 8, 2002

Representative Porter - from 1:50 p.m., March 28 to 10:04 a.m., plane time, April 1, 2002

Representative Dyson - from 6:30 p.m., March 14 to 10:04 a.m., plane time, March 17, 2002 (amended page 2390)

Representative Rokeberg - from 6:00 a.m., March 28 to 10:04 a.m., plane time, April 2, 2002 (amended page 2292)

HJR 45

Representatives Kapsner and Hayes added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 45
Relating to the labeling of salmon food products.

HB 208

Representative Green added his name as cosponsor to:

HOUSE BILL NO. 208
"An Act relating to aquatic farming of shellfish; and providing for an effective date."

HB 248

Representative Hudson added his name as cosponsor to:

HOUSE BILL NO. 248
"An Act relating to retirement contributions and benefits under the public employees' retirement system of certain juvenile detention employees and juvenile correctional institution employees."

HB 275

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 275

"An Act relating to the use of broadcasting to promote charitable gaming activities."

HB 314

Representatives Dyson, Crawford, James, Murkowski, and Hayes added their names as cosponsors to:

CS FOR HOUSE BILL NO. 314(STA)

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

HB 374

Representatives Dyson, James, and Bunde added their names as cosponsors to:

HOUSE BILL NO. 374

"An Act naming the David Douthit Veterans' Memorial Bridge."

HB 389

Representatives Crawford, Davies, and James added their names as cosponsors to:

CS FOR HOUSE BILL NO. 389(CRA)

"An Act eliminating the delayed repeal of a provision authorizing an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date."

HB 407

Representative Scalzi added his name as cosponsor to:

HOUSE BILL NO. 407

"An Act relating to the certificate of need program."

HB 448

Representative Morgan added his name as cosponsor to:

HOUSE BILL NO. 448

"An Act relating to establishing a data base of residential telephone customers who do not wish to receive telephone solicitations, providing that the data base be compiled at no cost to the customers, requiring telephone solicitors to purchase the data base, and requiring paid solicitors to register; and providing for an effective date."

HB 454

Representative Kapsner added her name as cosponsor to:

HOUSE BILL NO. 454

"An Act repealing a prohibition against classified state employees participating in management of political parties."

HB 464

Representatives Coghill, Kohring, Green, and Foster added their names as cosponsors to:

HOUSE BILL NO. 464

"An Act relating to statewide school district correspondence study programs."

ENGROSSMENT

HB 314

CSHB 314(STA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 374

HB 374 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 389

CSHB 389(CRA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 418

CSHB 418(L&C) 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.

2002 Legislative Financial Disclosure Statements
(pursuant to AS 24.60.210) due to APOC: 3/15

The following meeting today has been changed as indicated:

Labor & Commerce Committee
CHANGED TO: 3:45 p.m., 3/13

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 15, 2002. There being no objection, the House adjourned at 3:29 p.m.

Suzi Lowell
Chief Clerk