

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

March 26, 2002

Seventy-second Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:27 a.m.

Roll call showed 37 members present. Representative Ogan had been previously excused from a call of the House today. Representatives Halcro and Mulder were absent and their presence was noted later.

The invocation was offered by the Reverend Kathleen Wakefield of the Church of the Holy Trinity. Representative Davies moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Loving God, we pray for the members of this body. We pray for courage, we pray for compassion. We pray for integrity and honor. We pray for the ability to listen to each other and to hear the needs of the voiceless. We pray for all these people, that You will grant them the gifts needed to complete this work they have undertaken and fill them with Your grace. And we pray for the gift of laughter, which lightens, heals, and soothes our souls. Amen.

The Pledge of Allegiance was led by Representative Foster.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 71st legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

The following were received:

Dept. of Community & Economic Development
Division of Banking, Securities, and Corporations
Alaska Growth Capital BIDCO, Inc.
Economic Development Effect
March 15, 2002
(as required by AS 10.13.590)

Alaska Industrial Development and Export Authority
Alaska Energy Authority (AIDEA/AEA)
2001 Annual Report
(as required by AS 44.83.940 & AS 44.88.210)

REPORTS OF STANDING COMMITTEES**HB 207**

The Rules Committee has considered:

HOUSE BILL NO. 207
"An Act relating to the judicial districts of the state."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 207(RLS)
"An Act moving election district 24 as described in the Constitution of the State of Alaska at statehood from the Second Judicial District to the Fourth Judicial District and adding the Nabesna area to the Third Judicial District and removing it from the Fourth Judicial District."

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

Do pass (3): McGuire, Morgan, Kott

No recommendation (1): Berkowitz

The following fiscal note(s) apply to CSHB 207(RLS):

2. Zero, Alaska Court System

HB 207 was returned to the Rules Committee for placement on the calendar.

HB 303

The Finance Committee has considered:

HOUSE BILL NO. 303

"An Act relating to the levy and collection of a sales tax; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 303(FIN)

"An Act relating to the levy and collection of a sales tax and a use tax and to levy and collection of municipal sales and use taxes; and providing for an effective date."

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

Do pass (4): Bunde, Whitaker, Lancaster, Mulder

Do not pass (5): Croft, Davies, Moses, Hudson, Foster

No recommendation (2): Harris, Williams

The following fiscal note(s) apply to CSHB 303(FIN):

2. Fiscal, Dept. of Revenue

HB 303 was referred to the Rules Committee for placement on the calendar.

HB 304

The Finance Committee has considered:

HOUSE BILL NO. 304

"An Act relating to disposition of income of the permanent fund; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 304(FIN)

"An Act relating to the education fund and the infrastructure and economic development fund, to the market value of the permanent fund, and to distribution of the income of the permanent fund; and providing for an effective date."

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

Do pass (5): Bunde, Whitaker, Lancaster, Hudson, Mulder

Do not pass (1): Foster

No recommendation (2): Harris, Moses

Amend (3): Croft, Davies, Williams

The following fiscal note(s) apply to CSHB 304(FIN):

Fiscal note(s) forthcoming.

HB 304 was referred to the Rules Committee for placement on the calendar.

HB 373

The Judiciary Committee has considered:

HOUSE BILL NO. 373

"An Act relating to marijuana and controlled substances and forfeitures related to controlled substances."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 373(JUD)
(same title)

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

Do pass (2): James, Rokeberg

No recommendation (1): Coghill

Amend (1): Berkowitz

The following fiscal note(s) apply to CSHB 373(JUD):

1. Zero, Dept. of Law
2. Zero, Dept. of Public Safety

HB 373 was referred to the Rules Committee for placement on the calendar.

HB 474

The Resources Committee has considered:

HOUSE BILL NO. 474

"An Act relating to public rights-of-way and easements for surface transportation affecting the Anchorage Coastal Wildlife Refuge."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 474(CRA)
(same title)

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

Do pass (3): Green, McGuire, Scalzi

No recommendation (3): Stevens, Chenault, Masek

Amend (1): Kerttula

The following fiscal note(s) apply to CSHB 474(CRA):

1. Zero, House Community & Regional Affairs Committee

HB 474 was referred to the Rules Committee for placement on the calendar.

HB 508

The Resources Committee has considered:

HOUSE BILL NO. 508

"An Act relating to publication of results of testing for paralytic shellfish poisoning by the Department of Environmental Conservation and to participation of the Department of Environmental Conservation in the development of operating plans of qualified regional dive fishery associations."

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

Do pass (7): Kerttula, Chenault, Fate, Green, Stevens, Masek, Scalzi

The following fiscal note(s) apply:

1. Zero, Dept. of Environmental Conservation

HB 508 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Halcro was noted.

SB 37

The Labor & Commerce Committee has considered:

CS FOR SENATE BILL NO. 37(FIN)

"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."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 37(L&C)
(same title)

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

Do not pass (1): Crawford

No recommendation (5): Rokeberg, Meyer, Hayes, Halcro, Murkowski

The following fiscal note(s) apply to HCS CSSB 37(L&C):

6. Zero, Dept. of Administration
7. Fiscal, Dept. of Community & Economic Development
8. Fiscal, Dept. of Law

CSSB 37(FIN) was referred to the Judiciary Committee.

SB 343

The Resources Committee has considered:

CS FOR SENATE BILL NO. 343(RES)

"An Act clarifying the term 'best technology' required for use in oil discharge prevention and contingency plans; affirming existing Department of Environmental Conservation regulations defining 'best technology' and oil discharge prevention and contingency plans approved using those regulations; and providing for an effective date."

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

Do pass (7): Stevens, Green, McGuire, Fate, Chenault, Masek, Scalzi

Amend (1): Kerttula

The following fiscal note(s) apply:

1. Zero, Dept. of Environmental Conservation

CSSB 343(RES) was referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 511

HOUSE BILL NO. 511 by the House Finance Committee, entitled:

"An Act relating to special medical parole and prisoners who are severely medically or mentally disabled."

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

HB 512

HOUSE BILL NO. 512 by the House Finance Committee, entitled:

"An Act relating to cigarette sales; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 348**

The following was read the second time:

HOUSE BILL NO. 348

"An Act relating to violations of domestic violence protective orders."

with the:	Journal Page
JUD RPT 3DP 3NR	2402
FN1: ZERO(ADM)	2402
FN2: ZERO(LAW)	2402

Representative James moved and asked unanimous consent that HB 348 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 348 was read the third time.

**The presence of Representative Mulder was noted.

The question being: "Shall HB 348 pass the House?" The roll was taken with the following result:

HB 348
Third Reading
Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Ogan

And so, HB 348 passed the House and was referred to the Chief Clerk for engrossment.

HB 416

The following was read the second time:

HOUSE BILL NO. 416

"An Act relating to reemployment of and benefits for retired teachers and principals who participated in retirement incentive programs; and providing for an effective date."

with the:	Journal Page
EDU RPT CS(EDU) 4DP	2437
FN1: ZERO(ADM)	2437
FN2: ZERO(EED)	2437
HES RPT CS(HES) NT 3DP 2NR 2AM	2577
FN1: ZERO(ADM)	2578
FN2: ZERO(EED)	2578

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. 416(HES)

"An Act relating to reemployment of and benefits for retired teachers and principals who participated in retirement incentive programs and to the employment as teachers of members of the public employees' retirement system who participated in a retirement incentive program; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Bunde and Coghill:

Page 2, line 21:

Delete "a new subsection"
Insert "new subsections"

Page 2, following line 27:

Insert a new subsection to read:

"(e) A retired teacher who participated in a retirement incentive program under ch. 26, SLA 1986; ch. 89, SLA 1989; ch. 65, SLA 1996; ch. 4, FSSLA 1996; or ch. 92, SLA 1997, and who is subsequently reemployed under this section shall be paid at the rate new teachers are paid according to the negotiated salary schedule of the school district or regional education attendance area that hires the teacher."

Page 2, line 30, following "AS 14.25.043(d)":

Insert "and 14.25.043(e)"

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

Representative Stevens objected.

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

CSHB 416(HES)
Second Reading
Amendment No. 1

YEAS: 16 NAYS: 23 EXCUSED: 1 ABSENT: 0

Yeas: Bunde, Chenault, Coghill, Foster, Green, Harris, Kohring, Kookesh, Lancaster, McGuire, Meyer, Mulder, Porter, Rokeberg, Scalzi, Williams

Nays: Berkowitz, Cissna, Crawford, Croft, Davies, Dyson, Fate, Guess, Halcro, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kott, Masek, Morgan, Moses, Murkowski, Stevens, Whitaker, Wilson

Excused: Ogan

And so, Amendment No. 1 was not adopted.

Representative James moved and asked unanimous consent that CSHB 416(HES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 416(HES) was read the third time.

The question being: "Shall CSHB 416(HES) pass the House?" The roll was taken with the following result:

CSHB 416(HES)

Third Reading

Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Ogan

And so, CSHB 416(HES) 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 416(HES) was referred to the Chief Clerk for engrossment.

HB 480

The following was read the second time:

HOUSE BILL NO. 480

"An Act providing that the death of a state employee killed because of their job status off the job site shall be considered an occupational death for purposes of survivor's pension benefits."

with the:

Journal Page

STA RPT CS(STA) NT 7DP

2618

FN1: ZERO(ADM)

2618

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. 480(STA)

"An Act providing that the death of an employee killed because of the employee's job status shall be considered an occupational death for purposes of survivor's pension benefits in the teachers' retirement system and the public employees' retirement system."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 480(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 480(STA) was read the third time.

The question being: "Shall CSHB 480(STA) pass the House?" The roll was taken with the following result:

CSHB 480(STA)

Third Reading

Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Ogan

And so, CSHB 480(STA) 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 citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

In Memoriam - "Captain" James "Jim" B. Denegree
By Representatives Fate, Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Whitaker, 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 Bunde - from 6:56 p.m., March 28 to 9:30 p.m., plane time, March 31, 2002

Representative Green - from 8:00 a.m. to 9:00 p.m., plane time, April 1, 2002

Representative Whitaker - from 7:00 p.m., March 28 to 10:00 a.m., plane time, April 1, 2002

Representative Chenault - from 6:30 a.m., March 27 to 9:30 p.m., plane time, April 1, 2002 (amended from page 2348)

Representative Crawford - from 7:09 a.m., March 29 to 9:30 p.m., plane time, March 31, 2002 (amended from page 2493)

HB 20

The Finance Committee submitted the forthcoming fiscal note(s) to accompany their report (page 2665):

3. Fiscal, Dept. of Corrections
4. Fiscal, Dept. of Community & Economic Development
5. Fiscal, Dept. of Community & Economic Development
6. Fiscal, Dept. of Community & Economic Development

for:

CS FOR HOUSE BILL NO. 20(FIN)

"An Act relating to organization grants to cities, to state aid to unincorporated communities, and to municipal dividends; and providing for an effective date."

HB 20 is in the Rules Committee.

HB 348

Representatives Hayes and Murkowski added their names as cosponsors to:

HOUSE BILL NO. 348

"An Act relating to violations of domestic violence protective orders."

HB 448

Representatives Guess and Wilson added their names as cosponsors 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."

ENGROSSMENT

HB 348

HB 348 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 416

CSHB 416(HES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 480

CSHB 480(STA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT**HCR 29**

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 9:32 a.m., March 26, 2002:

HOUSE CONCURRENT RESOLUTION NO. 29

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 208, relating to the labeling of, the advertising of, and the disclosure of certain information about halibut, salmon, halibut products, and salmon products.

HJR 37

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 9:32 a.m., March 26, 2002:

HOUSE JOINT RESOLUTION NO. 37

Congratulating Alaska Airlines on its 70th Anniversary.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

Majority Caucus	Speaker's Chamber	upon adj., 3/26
Minority Caucus		noon, 3/26

The following meeting today has been changed as indicated:

Children's Caucus

CHANGED TO:

12:30 p.m., 3/26

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 27, 2002. There being no objection, the House adjourned at 11:39 a.m.

Suzi Lowell
Chief Clerk