

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

May 8, 2002

One Hundred Fifteenth Day

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

Roll call showed 32 members present. Representative Moses was excused from a call of the House today because of illness. Representatives Kapsner, Kerttula, Kott, Masek, Mulder, Murkowski, and Whitaker were absent and their presence was noted later.

The invocation was offered by the Reverend Richard Benjamin Sr. of Abbott Loop Community Church, Anchorage. Representative Dyson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

I look to the Lord. I count it a privilege again to stand before this group of public servants and I ask You, Lord, for Your blessings upon them as individuals and in their collective deliberations. I ask You, Lord, to give them wisdom as they address the serious financial problems as well as other concerns that our state is now facing. I ask this humbly in the Name of Jesus Christ. Amen.

The Pledge of Allegiance was led by Representative Lancaster.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 114th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE**HB 480**

A message dated May 7, 2002, was read stating the Senate has passed:

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."

CSHB 480(STA) was referred to the Chief Clerk for enrollment.

HB 375

A message dated May 7, 2002, was read stating the Senate has passed HB 375 am with the following amendment and it is transmitted for consideration:

SENATE CS FOR HOUSE BILL NO. 375(JUD)

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

HB 375 am is under Unfinished Business.

REPORTS OF STANDING COMMITTEES

The Health, Education & Social Services Committee has reviewed the qualifications of:

Roger Chan
Board of Education and Early Development

and recommends the following:

Confirm (4): Dyson, Wilson, Cissna, Stevens

No recommendation (2): Coghill, Joule

The report was signed by Representative Dyson, Chair.

HB 371

The State Affairs Committee has considered:

HOUSE BILL NO. 371

"An Act establishing the Alaska veterans' memorial endowment fund and providing for credits against certain taxes for contributions to that fund; relating to other tax credits for certain contributions; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 371(STA)

"An Act establishing and relating to the Alaska veterans' memorial endowment fund; and providing for an effective date."

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

Do pass (4): Wilson, Crawford, James, Hayes

No recommendation (3): Stevens, Fate, Coghill

The following fiscal note(s) apply to CSHB 371(STA):

1. Indeterminate, Dept. of Community & Economic Development
2. Indeterminate, Dept. of Revenue
3. Fiscal, Dept. of Military & Veterans' Affairs

HB 371 was referred to the Finance Committee.

HB 502

The Transportation Committee has considered:

HOUSE BILL NO. 502

"An Act relating to the designation of and funding for rustic roads and highways; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 502(TRA)

"An Act relating to transportation facilities of the state highway system; relating to the statewide transportation improvement program and to rustic roads, highways, and trails; relating to a study of economic development roads; and providing for an effective date."

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

Do pass (3): Masek, Ogan, Kohring

No recommendation (2): Scalzi, Wilson

The following fiscal note(s) apply to CSHB 502(TRA):

1. Indeterminate, Dept. of Transportation & Public Facilities

HB 502 was referred to the Finance Committee.

**The presence of Representatives Kerttula and Kapsner was noted.

HB 531

The State Affairs Committee has considered:

HOUSE BILL NO. 531

"An Act relating to communications and elections, to reporting of contributions and expenditures, and to campaign misconduct in the second degree; relating to disclosure by individuals of contributions to candidates; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 531(STA)
(same title)

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

Do pass (4): Crawford, Stevens, Fate, Coghill

The following fiscal note(s) apply to CSHB 531(STA):

1. Zero, House State Affairs Committee

HB 531 was referred to the Finance Committee.

**The presence of Representative Murkowski was noted.

SCR 33

The Health, Education & Social Services Committee has considered:

SENATE CONCURRENT RESOLUTION NO. 33

Relating to Ovarian Cancer Awareness Month.

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

Do pass (6): Coghill, Wilson, Cissna, Joule, Stevens, Dyson

The following fiscal note(s) apply:

1. Zero, Senate State Affairs Committee

SCR 33 was referred to the Rules Committee for placement on the calendar.

SJR 41

The Transportation Committee has considered:

SENATE JOINT RESOLUTION NO. 41

Relating to reconstruction and paving of the Alaska Highway.

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

Do pass (5): Wilson, Scalzi, Ogan, Masek, Kohring

The following fiscal note(s) apply:

1. Zero, Senate Transportation Committee

SJR 41 was referred to the Rules Committee for placement on the calendar.

SB 140

The Finance Committee has considered:

CS FOR SENATE BILL NO. 140(FIN)

"An Act relating to regulation and licensing of certain water-power development projects; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 140(FIN)
(same title)

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

Do pass (6): Bunde, Harris, Lancaster, Hudson, Foster, Williams

No recommendation (1): Croft

The following fiscal note(s) apply to HCS CSSB 140(FIN):

1. Fiscal, Dept. of Community & Economic Development
2. Fiscal, Dept. of Natural Resources
3. Fiscal, Dept. of Fish & Game

CSSB 140(FIN) was referred to the Rules Committee for placement on the calendar.

SB 326

The Finance Committee has considered:

CS FOR SENATE BILL NO. 326(FIN)

"An Act relating to evaluating state assumption of the wastewater discharge program under the federal Clean Water Act; and providing for an effective date."

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

Do pass (5): Harris, Lancaster, Hudson, Foster, Williams

No recommendation (2): Bunde, Croft

The following fiscal note(s) apply:

3. Fiscal, Dept. of Environmental Conservation

CSSB 326(FIN) was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - Karen Perdue
By Representative Hayes

Honoring - The City of Seward
By Representative Lancaster

Honoring - George and Peggy Brown
By Senators Phillips, Ward

Honoring - The Dedicated Volunteers of Chugiak Volunteer Fire Department
By Senators Halford, Phillips; Representatives Dyson, Kott

In Memoriam - Elsie May Handley
By Representatives Chenault, Kohring, Lancaster

In Memoriam - Darris Allen "Al" Cress, Sr.
By Representatives Chenault, Lancaster

In Memoriam - Andrew Benson Reeve
By Representative Chenault

In Memoriam - Edwin Hanke
By Representatives Chenault, Lancaster

In Memoriam - Marc Odell Zerbe
By Representative Chenault

In Memoriam - Maria Lee Thibodeau
By Representatives Chenault, Lancaster

In Memoriam - Shelby E. Johnson
By Representative Chenault

**The presence of Representatives Masek and Whitaker was noted.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 532

HOUSE BILL NO. 532 by the House Finance Committee, entitled:

"An Act relating to the powers and duties of the Department of Environmental Conservation, to barbers, hairdressers, estheticians, manicurists, tattooers, permanent cosmetic colorists, body piercers, and their establishments, to the licensure of child care facilities, to food establishments, to cosmetics, to tourist camps, trailer camps, motor courts, and motels, to restrooms, to smoking in public facilities, to public health nuisances, to sanitation and sanitary practices, to camps and canneries, to schools, to soft drink establishments, to beer and wine dispensaries, to other establishments, and to commercially compressed air; and providing for an effective date."

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

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

HB 533

HOUSE BILL NO. 533 by the House Rules Committee, entitled:

"An Act relating to public building projects of the Alaska Housing Finance Corporation, authorizing the financing by the Alaska Housing Finance Corporation of a building in Anchorage for office space for state, federal, and municipal agencies and subdivisions; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF SENATE BILLS

SB 6

The following was read the second time:

CS FOR SENATE BILL NO. 6(FIN)

"An Act relating to required notice of eviction to mobile home park dwellers and tenants before redevelopment of the park."

with the:

Journal Page

JUD RPT HCS(JUD) 1DP 3NR 1AM

3392

FN2: ZERO(LAW)

3393

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

HOUSE CS FOR CS FOR SENATE BILL NO. 6(JUD)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that HCS CSSB 6(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 6(JUD) was read the third time.

The question being: "Shall HCS CSSB 6(JUD) pass the House?" The roll was taken with the following result:

HCS CSSB 6(JUD)

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

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, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Moses

Absent: Ogan

And so, HCS CSSB 6(JUD) passed the House and was referred to the Chief Clerk for engrossment.

SB 238

The following was read the second time:

CS FOR SENATE BILL NO. 238(RLS)

"An Act exempting from the category of public records certain records and information relating to state safety plans, programs, and procedures, and to systems, facilities, and infrastructure in the state; and providing for an effective date."

with the:

Journal Page

JUD RPT 3DP 1NR

3393

FN1: ZERO(DOT)

3394

Representative James moved and asked unanimous consent that CSSB 238(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 238(RLS) was read the third time.

The question being: "Shall CSSB 238(RLS) pass the House?" The roll was taken with the following result:

CSSB 238(RLS)

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

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, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Moses

Absent: Ogan

And so, CSSB 238(RLS) 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.

CSSB 238(RLS) was signed by the Speaker and Chief Clerk and returned to the Senate.

SECOND READING OF HOUSE RESOLUTIONS

HJR 50

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 50

Supporting the participation of Taiwan in the annual summit of the World Health Assembly.

with the:

Journal Page

HES RPT 6DP

3253

FN1: ZERO(H.HES)

3253

Representative James moved and asked unanimous consent that HJR 50 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HJR 50 was read the third time.

The question being: "Shall HJR 50 pass the House?" The roll was taken with the following result:

HJR 50

Third Reading

Final Passage

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

Yeas: 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, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Moses

Absent: Berkowitz, Ogan

And so, HJR 50 passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE RESOLUTIONS

SJR 43

The following was read the second time:

CS FOR SENATE JOINT RESOLUTION NO. 43(STA)(title am)
Requesting the United States Congress to grant a two-year moratorium on state maintenance of effort requirements for federally funded programs.

with the:

Journal Page

STA RPT 2DP 1DNP 4NR

3417

FN1: ZERO(S.STA)

3418

Amendment No. 1 was offered by Representative Halcro:

Page 1, line 13:

Delete "and"

Page 1, line 15, following "needs;":

Insert "and"

Page 2, line 1, insert:

"WHEREAS the Twenty-second Alaska State Senate feels that the serious budget problems are best solved by ignoring them;"

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

Objection was heard.

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

Amendment No. 2 was offered by Representatives Davies and Hudson:

Page 1, lines 1 - 2 (title amendment):

Delete all material and insert:

"Requesting that the Alaska State Senate pass a long-range fiscal plan."

Page 1, line 4 through page 2, line 11:

Delete all material and insert:

"WHEREAS the State of Alaska faces a fiscal gap; and

WHEREAS the Alaska State House of Representatives has passed a version of a long-range fiscal plan;

BE IT RESOLVED that the Alaska State House of Representatives insists that the Alaska State Senate enact a meaningful fiscal plan that fairly and fully bridges the fiscal gap."

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

Representative Bunde objected.

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

CSSJR 43(STA)(title am)
Second Reading
Amendment No. 2

YEAS: 20 NAYS: 18 EXCUSED: 1 ABSENT: 1

Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Green, Guess, Halcro, Hayes, Hudson, Joule, Kapsner, Kerttula, Kookesh, Lancaster, Morgan, Murkowski, Scalzi, Stevens, Wilson

Nays: Bunde, Chenault, Coghill, Dyson, Fate, Foster, Harris, James, Kohring, Kott, Masek, McGuire, Meyer, Mulder, Porter, Rokeberg, Whitaker, Williams

Excused: Moses

Absent: Ogan

And so, Amendment No. 2 was adopted and the new title follows:

CS FOR SENATE JOINT RESOLUTION NO. 43(STA)(title am)
am H
Requesting that the Alaska State Senate pass a long-range fiscal plan.

Representative James moved and asked unanimous consent that CSSJR 43(STA)(title am) am H be considered engrossed, advanced to third reading, and placed on final passage.

Representative Rokeberg objected.

The question being: "Shall CSSJR 43(STA)(title am) am H be advanced to third reading?" The roll was taken with the following result:

CSSJR 43(STA)(title am) am H
Second Reading
Advance to Third Reading

YEAS: 10 NAYS: 28 EXCUSED: 1 ABSENT: 1

Yeas: Berkowitz, Cissna, Crawford, Davies, Guess, Halcro, Joule, Kapsner, Kerttula, Kookesh

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

Excused: Moses

Absent: Ogan

And so, lacking the necessary 30 votes, CSSJR 43(STA)(title am) am H failed to advance on the same day and will be in third reading on tomorrow's 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 - Petersburg High School Cheerleaders

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

Honoring - Shishmaref Northern Lights Boys Basketball Team, Winners of the 1A Boys State Basketball Championship

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

UNFINISHED BUSINESS**SB 6**

Representatives Meyer, Harris, and Crawford added their names as cross sponsors to:

HOUSE CS FOR CS FOR SENATE BILL NO. 6(JUD)

"An Act relating to required notice of eviction to mobile home park dwellers and tenants before redevelopment of the park."

ENGROSSMENT**HJR 50**

HJR 50 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 6

HCS CSSB 6(JUD) 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., 5/8

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., May 9, 2002. There being no objection, the House adjourned at 11:32 a.m.

Suzi Lowell
Chief Clerk