

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SECOND LEGISLATURE
THIRD SPECIAL SESSION

Juneau, Alaska

Thursday

June 27, 2002

Fourth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 12:37 a.m.

Roll call showed 36 members present. Representatives Berkowitz and Green had been previously excused from a call of the House today. Representative Kapsner was absent and her presence was noted later.

Representative James moved and asked unanimous consent that Representative Rokeberg's previously excused absence (page 4039) be extended until 9:32 p.m., plane time, June 27, 2002. There being no objection, it was so ordered.

The invocation was offered by Representative Davies, Chaplain Designee. Representative Bunde moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With respect for everyone's individual religious and spiritual traditions, let us bow our heads and pray.

O Infinite God of life, goodness, and generous love, we dedicate our hearts, our lives, to You.

Help us to be true for there are those who trust us, to be strong for there is much to dare.

Help us to cherish all human life, to be a friend of all, the foe and friendless, and do the good You want us to do.

Make us loving examples of Your generous love and a blessing to everyone we see.

May Your goodness be fully in us and in all that we think and say and do. Amen.

The Pledge of Allegiance was led by Representative Joule.

CERTIFICATION OF THE JOURNAL

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

MESSAGES FROM THE GOVERNOR

SB 363

A letter dated June 26, 2002, was received from Mike Abbott, Legislative Director, Office of the Governor, stating pursuant to the veto override of the following:

CONFERENCE CS FOR SENATE BILL NO. 363

"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."

the engrossed and enrolled copies were transmitted to the Lieutenant Governor's Office for permanent filing and the following chapter number was assigned:

Chapter No. 1, TSSLA 2002
Effective Date: June 26, 2002

MESSAGES FROM THE SENATE

A message dated June 26, 2002, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SCR 301**

SENATE CONCURRENT RESOLUTION NO. 301 by the Senate
Judiciary Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of
the Alaska State Legislature, concerning House Bill No. 3001,
relating to the Regulatory Commission of Alaska.

was read the first time and taken up later as a Special Order of
Business.

**The presence of Representative Kapsner was noted.

COMMUNICATIONS

The following audit reports were received from:

Division of Legislative Audit
Legislative Budget & Audit Committee
(as required by AS 24.20.311)

Dept. of Transportation & Public Facilities
Ted Stevens Anchorage International Airport
Terminal Improvements
May 7, 2002

Seismic Design Dispute
May 7, 2002

INTRODUCTION OF CITATIONS

The following citations were introduced and taken up later as a Special
Order of Business:

Honoring - Dorothy Moore, Valdez School Teacher and Civic Leader
By Representative Harris

Honoring - Senator Randy Phillips
By Senator Halford

Honoring - Anchorage, All American City
By Senator Donley

In Memoriam - Walter H. Peirce
By Representative Hayes

In Memoriam - Joe Walsh
By Representative Joule

In Memoriam - Johnnie L. Gay
By Senator Davis

CONSIDERATION OF THE DAILY 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 - Amy Finn, Outstanding Volunteer
By Senator Austerman; Representatives Stevens, Porter, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Scalzi, Williams, Wilson

In Memoriam - William K. "Bill" Blessington
By Representatives Kohring, Porter, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Scalzi, Stevens, Williams, Wilson

In Memoriam - James J. Hurley

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

SENSE OF THE HOUSE

Representative Coghill moved and asked unanimous consent that the following be adopted as the Sense of the House:

"Whereas, this country was founded on religious freedom by founders, many of whom were deeply religious;

Whereas, the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the government establishing a religion;

Whereas, the Pledge of Allegiance was written by Francis Bellamy, a Baptist Minister, and first published in the September 8, 1892 issue of Youth's Companion;

Whereas, Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas, President Eisenhower, in adding these words said...."These words will remind Americans that despite our great physical strength we must remain humble. They will help us to keep constantly in our minds and hearts the spiritual and moral principles which alone give dignity to man, and upon which our way of life is founded."

Whereas the Pledge of Allegiance has for almost 50 years included references to the U. S. flag and the country; this country, has been established as a union, "under God" being dedicated to securing "liberty and justice for all;"

Whereas, the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Senate of the 107th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U. S. legal tender, engravings on federal buildings and the Preamble to the Alaska State Constitution also contain general references to "God";

Whereas, in accordance with decisions of the U. S. Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights;

Whereas, the Congress expects that the U. S. Court of Appeals for the Ninth Circuit will rehear the case of *Newdow v. U. S. Congress*, en banc, and resolves to instruct the Senate Legal Counsel to seek to intervene in the case to defend the constitutionality of the Pledge of Allegiance;

Resolved, That the Twenty Second Legislature of the State of Alaska concur with and support the U. S. Senate in challenging the United States Court of Appeals For The Ninth Circuit in its decision of *Newdow v. U. S. Congress*, en banc."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that the Presiding Officer notify the following individuals of the action:

Alaska Congressional Delegation, Presiding Officers of the U.S. Congress, and the President of the United States.

There being no objection, it was so ordered.

SPECIAL ORDER OF BUSINESS

SCR 301

Representative James moved and asked unanimous consent that the following be taken up as a Special Order of Business at this time:

SENATE CONCURRENT RESOLUTION NO. 301

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of

the Alaska State Legislature, concerning House Bill No. 3001, relating to the Regulatory Commission of Alaska.

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that SCR 301 be adopted. There being no objection, it was so ordered.

And so, SCR 301 was signed by the Speaker and Chief Clerk and returned to the Senate.

Representative James moved and asked unanimous consent that the House approve the Special Order Citation Calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Dorothy Moore, Valdez School Teacher and Civic Leader
By Representatives Harris, Porter, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Guess, Halcro, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Stevens, Williams, Wilson

Honoring - Senator Randy Phillips
By Senator Halford; Representatives Porter, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Stevens, Williams, Wilson

Honoring - Anchorage, All American City
By Senator Donley; Representatives Porter, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Scalzi, Stevens, Williams, Wilson

In Memoriam - Walter H. Peirce

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

In Memoriam - Joe Walsh

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

In Memoriam - Johnnie L. Gay

By Senator Davis; Representatives Porter, 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, Mulder, Murkowski, Ogan, Scalzi, Stevens, Williams, Wilson

UNFINISHED BUSINESS

SCR 28

Pursuant to:

HOUSE CS FOR CS FOR SENATE CONCURRENT
RESOLUTION NO. 28(FIN)

Establishing the Joint Legislative Salmon Industry Task Force.

Legislative Resolve No. 53

The Speaker and President appointed the following members to the joint task force:

Representative Stevens, Vice Chair	Senator Stevens, Chair
Representative Williams	Senator Elton
Representative Scalzi, Alternate	Senator Austerman, Alternate

The following are the public members appointed to the joint task force:

Don Giles	Gary Slaven
John Lowrance	Sue Aspelund
Duncan Fields	Sam Cotten
Robin Samuelson	
Chris Moss, First Alternate	
Stephanie Madsen, Second Alternate	

The Speaker stated that, without objection, the House would revert to:

MESSAGES FROM THE SENATE

HB 3001

A message dated June 27, 2002, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 3001(FIN) am

"An Act setting timelines for issuance of final orders by the Regulatory Commission of Alaska, amending the authority of the commission to enter compromise settlement orders, extending the commission's termination date to June 30, 2004, requiring the commission to hold monthly meetings to allow discussion of the commission's process and procedures; and directing the establishment of an advisory committee; and providing for an effective date."

with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 3001(JUD) am S

"An Act relating to the powers and duties of the Regulatory Commission of Alaska, establishing a task force to inquire into the operation of the commission, and extending the termination date of the commission to June 30, 2003; and providing for an effective date."

(SCR 301 - title change resolution)

CONCUR IN SENATE AMENDMENTS**HB 3001**

Representative James moved and asked unanimous consent to consider the Senate message at this time.

There being no objection, it was so ordered.

Representative James moved that the House concur in the Senate amendment to CSHB 3001(FIN) am, thus adopting SCS CSHB 3001(JUD) am S, and recommended that the members vote yes.

Representative Guess moved and asked unanimous consent that she be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Guess was required to vote.

The question being: "Shall the House concur in the Senate amendment to CSHB 3001(FIN) am?" The roll was taken with the following result:

SCS CSHB 3001(JUD) am S

Concur

YEAS: 35 NAYS: 2 EXCUSED: 3 ABSENT: 0

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

Nays: Kohring, Kott

Excused: Berkowitz, Green, Rokeberg

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 3001(JUD) am S.

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.

The Chief Clerk was instructed to so notify the Senate.

SCS CSHB 3001(JUD) am S was referred to the Chief Clerk for enrollment.

ADJOURNMENT

Representative Mulder moved and asked unanimous consent that the Third Special Session of the House of Representatives of the Twenty-second Legislature of the State of Alaska adjourn sine die. There being no objection, the House adjourned at 1:42 a.m.

Suzi Lowell
Chief Clerk