

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

February 11, 2002

Twenty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:01 a.m.

Roll call showed 37 members present. Representative Davies had been previously excused from a call of the House today. Representative Foster was absent and his presence was noted later.

Representative James moved and asked unanimous consent that Representative Kookesh be excused from today until 9:00 p.m., February 12, 2002. There being no objection, it was so ordered.

The invocation was offered by Pastor Patrick Brayton of Valley Chapel. Representative Green moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Heavenly Father I believe in You. I believe Your holy presence is here and that You watch with great interest what is done in these chambers. Because of Your great love for all people, You care deeply about the decisions and policies of government that affect the citizens of Alaska. Therefore, we ask for Your supernatural involvement in using the members of this body to bless and protect the people of this great land. Grant to us, Lord, Your wisdom so that we might see the long-term effect of every decision made. Grant us also humility so that we can work together without animosity for the good of the entire state. Please guide this leadership through a profitable session that will serve to the benefit of Alaska for many years to come. Bless also these, our

representatives, in their personal lives. Let their hearts be governed by Your truth to the great benefit of themselves and their families and may Your loving favor be evident in their success. God bless them and us through them. In Jesus' Name, Amen.

The Pledge of Allegiance was led by Representative Green.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 26th, 27th, and 28th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

The following were received:

Dept. of Administration
Division of Alaska Longevity Programs
Alaska Pioneers' Homes Advisory Board
Biennial Report FY 2001 and Annual Report

Dept. of Revenue
Treasury Division
Alaska Public Debt, 2001-2002
January 2002

The following letter was received by the Chief Clerk's office on January 23, 2002, and the Local Boundary Commission's recommendation was referred to the Community & Regional Affairs Committee (page 2063):

"Dear Speaker Porter:

The Alaska Local Boundary Commission hereby presents its recommendation to the Second Session of the Twenty-Second State Legislature under Article X, Section 12 of the Constitution of the State

of Alaska for annexation of 4.58 square miles to the City of Homer¹. Under Article X, Section 12, 'The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house.'

Alaska's constitution-makers expected that local governmental annexations would often be very controversial. The City of Homer's original petition to annex 25.64 miles certainly fulfilled that expectation. Consequently, the Commission's review and decision process for the petition has been painstakingly lengthy and detailed. The process spanned nearly two years. The written record of the proceedings stands 14 inches tall and weighs 35 pounds. Given the extent of the record, the Commission will provide a summary of the reasons for its recommendation to the House Community and Regional Affairs Committee.

In the end, the Commission did not approve the City of Homer's original petition to annex 25.68 square miles, approving instead annexation of a reduced area of 4.58 miles.

The Commission looks forward to reviewing its recommendation for this annexation to the City of Homer with the House Community and Regional Affairs Committee.

Cordially,
/s/
Kevin Waring
Chairman

¹ A map and legal description of the 4.58 square miles recommended for annexation is provided on pages 38 - 41 of the enclosed *Statement of Decision in the Matter of the March 20, 2000 Petition by the City of Homer for Annexation of Approximately 25.64 Square Miles.* [See Senate and House Joint Journal Supplement No. 11, pages 67 - 73.]

**The presence of Representative Foster was noted.

* * * * *

Representative Hudson introduced Chelsea Lara, Guest Page, from Juneau.

REPORTS OF STANDING COMMITTEES

HB 243

The Judiciary Committee has considered:

HOUSE BILL NO. 243

"An Act relating to sexual assault or abuse of a minor."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 243(JUD)

(same title)

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

Do pass (4): Meyer, Coghill, James, Rokeberg

The following fiscal note(s) apply to CSHB 243(JUD):

1. Zero, Dept. of Law

HB 243 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 - Superintendent Richard DeLorenzo, Chugach School District
By Representatives Harris, Dyson

Honoring - Dan Sage
By Representative Bunde

Honoring - Richard C. Campbell
By Representative Bunde

Honoring - Dr. Mary Francis
By Senator Taylor; Representative Wilson

In Memoriam - Jay Dennis Poss
By Representative McGuire

In Memoriam - Miriam Manuyak Baldwin
By Representative Joule

In Memoriam - Gerald "Jerry" Johnson Bohms
By Representatives Fate, Harris, Whitaker, Coghill, Hayes, James, Morgan, Davies; Senators Wilken, Kelly, Therriault

In Memoriam - Beverly Joan Dodge
By Representative Bunde

In Memoriam - Henry "Hank" Floyd Eaton
By Representatives Bunde, Stevens; Senator Austerman

In Memoriam - Patricia D. Brokaw
By Representative Bunde

In Memoriam - Timothy P. Connaker
By Representative Rokeberg

In Memoriam - Linda Hartshorn
By Senator Taylor; Representative Wilson

The following citation was introduced and taken up later as a Special Order of Business:

Honoring - Brigadier General John V. Hoyt
By Representative Mulder

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS**

HCR 23

HOUSE CONCURRENT RESOLUTION NO. 23 by the House
Special Committee on Education:

Proposing amendments to Uniform Rule 20 of the Alaska State
Legislature; and providing for an effective date for the
amendments.

was read the first time and referred to the House Special Committee on
Education and the Health, Education & Social Services Committee.

HJR 38

HOUSE JOINT RESOLUTION NO. 38 by Representative Hayes:

Relating to urging the United States Congress to pass the
Terrorism Risk Protection Act.

was read the first time and referred to the Labor and Commerce
Committee.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS**

HB 399

HOUSE BILL NO. 399 by the House Rules Committee by request of
the Administrative Regulation Review Committee, entitled:

"An Act relating to the Uniform Mechanical Code and other safety
codes; annulling certain regulations adopted by the Department of
Community and Economic Development relating to the
mechanical code that applies to certain construction contractors
and mechanical administrators; and providing for an effective
date."

was read the first time and referred to the Labor & Commerce Committee.

HB 400

HOUSE BILL NO. 400 by Representative Ogan, entitled:

"An Act relating to contributions from permanent fund dividends for municipal school districts and regional educational attendance areas; and providing for an effective date."

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

HB 401

HOUSE BILL NO. 401 by Representative Davies, entitled:

"An Act increasing the motor fuel tax levied and collected on motor vehicles and on certain fuel for internal combustion engines not used in or in conjunction with a motor vehicle; directing separate accounting of amounts derived from motor vehicle licensing, registration, and transfers and related activities; authorizing the appropriation of the proceeds of the motor fuel tax on motor vehicles and the amounts separately accounted for in the special highway fuel tax account to meet the costs of activities relating to motor vehicle licensing and registration and for the uses identified in the law establishing the account; and providing for an effective date."

was read the first time and referred to the Transportation and Finance Committees.

HB 402

HOUSE BILL NO. 402 by the House Health, Education & Social Services Committee, entitled:

"An Act relating to diversion payments, wage subsidies, cash assistance, and self-sufficiency services provided under the Alaska

temporary assistance program; relating to the food stamp program; relating to child support cases that include persons who receive cash assistance or self-sufficiency services under the Alaska temporary assistance program; and providing for an effective date."

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

HB 403

HOUSE BILL NO. 403 by the House Finance Committee, entitled:

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

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

HB 404

HOUSE BILL NO. 404 by the House Finance Committee, entitled:

"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."

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

HB 405

HOUSE BILL NO. 405 by Representative Meyer, entitled:

"An Act relating to the prosecution of criminal offenses committed on or against ferries and other watercraft owned or operated by the state; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR**THIRD READING OF HOUSE RESOLUTIONS****HJR 30**

The following, which was advanced to third reading from the February 8, 2002, calendar (page 2189), was read the third time:

HOUSE JOINT RESOLUTION NO. 30

Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

The question being: "Shall HJR 30 pass the House?" The roll was taken with the following result:

HJR 30

Third Reading

Final Passage

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

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

Excused: Davies, Kookesh

And so, HJR 30 passed the House and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS**HB 405**

The Speaker added a Transportation Committee referral to precede the Judiciary Committee referral for the following:

HOUSE BILL NO. 405

"An Act relating to the prosecution of criminal offenses committed on or against ferries and other watercraft owned or operated by the state; and providing for an effective date."

HB 405 was removed from the Judiciary Committee and referred to the Transportation Committee.

Representative James moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Guess - from 1:50 p.m., February 15 to 1:05 p.m., plane time, February 18; and from 6:56 p.m., February 22 to 9:35 p.m., plane time, February 24, 2002

HB 320

The Speaker waived the Finance Committee referral for the following at the request of Representative Williams, Co-chair:

HOUSE BILL NO. 320

"An Act relating to the use of electronic ballots."

HB 320 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

HJR 30

Representative James added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 30

Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

HB 20

Representatives Bunde and Stevens added their names as cosponsors 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 171

Representative Mulder added his name as cosponsor to:

HOUSE BILL NO. 171

"An Act relating to a curriculum for Alaska history; and providing for an effective date."

HB 243

Representatives Coghill, James, and Meyer added their names as cosponsors to:

HOUSE BILL NO. 243

"An Act relating to sexual assault or abuse of a minor."

HB 274

Representatives Green and Foster added their names as cosponsors to:

HOUSE BILL NO. 274

"An Act relating to workers' compensation; and providing for an effective date."

HB 279

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 279

"An Act relating to statutes of limitations for civil actions."

HB 281

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 281

"An Act relating to civil liability for providing alcoholic beverages to a person under 21 years of age; and providing for an effective date."

HB 291

Representative Dyson added his name as cosponsor to:

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

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

HB 297

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 297

"An Act related to aggravating factors at sentencing."

HB 305

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 305

"An Act prohibiting certain state employment, a student loan, or a permanent fund dividend for a person who fails to register for the military selective service; and providing for an effective date."

HB 307

Representative Croft added his name as cosponsor to:

HOUSE BILL NO. 307

"An Act delaying to June 30, 2007, the last date by which hydrocarbon exploration geophysical work must be performed or drilling of a stratigraphic test well or exploratory well must be completed in order for a person to qualify for an exploration incentive credit."

HB 319

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 319

"An Act relating to civil liability for commercial recreational activities; and providing for an effective date."

HB 398

Representative Stevens added his name as cosponsor to:

HOUSE BILL NO. 398

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

SPECIAL ORDER OF BUSINESS

Representative James moved and asked unanimous consent that the citation, Honoring - Brigadier General John V. Hoyt, be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

Representative Mulder moved and asked unanimous consent that all members of the House be shown as cosponsors of the citation. There being no objection, it was so ordered.

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

Honoring - Brigadier General John V. Hoyt

By Representatives Mulder, Porter, 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, Murkowski, Ogan, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

ENGROSSMENT**HJR 30**

HJR 30 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT**HB 334**

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 1:40 p.m., February 8, 2002:

CS FOR HOUSE BILL NO. 334(FIN)

"An Act making appropriations for a grant to Arctic Power to promote the opening of the Arctic National Wildlife Refuge for oil and gas exploration and development; and providing for an effective date."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 13, 2002. There being no objection, the House adjourned at 11:49 a.m.

Suzi Lowell
Chief Clerk