

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

February 25, 2002

Forty-third Day

Pursuant to adjournment the House was called to order by Speaker Pro Tempore James at 11:07 a.m.

Roll call showed 31 members present. Representatives Chenault and Cissna had been previously excused from a call of the House today. Representative Kott was absent and his presence was noted later.

Acting Majority Leader Foster moved and asked unanimous consent that Representatives Bunde, Crawford, Dyson, McGuire, Porter, and Rokeberg, who had been previously excused to plane time this morning, be excused today because of cancellation of the incoming flight. There being no objection, it was so ordered.

The invocation was offered by Major Larry Fankhauser of The Salvation Army. Representative Davies moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Dear God, we give thanks for the start of a new week. As one nation under God, we pray for those Representatives gathered in this chamber. They have been given a great responsibility. We pray for each one that a special blessing might be theirs for clear minds, wisdom, and strength to face the challenges of this day. For all the opportunities that are ours to serve this state and our communities, we look to You with grateful hearts. Amen.

The Pledge of Allegiance was led by Representative Lancaster.

CERTIFICATION OF THE JOURNAL

Representative Foster moved and asked unanimous consent that the journal for the 40th, 41st, and 42nd legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

REPORTS OF STANDING COMMITTEES**HB 252**

The Health, Education and Social Services Committee has considered:

HOUSE BILL NO. 252

"An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 252(HES)

"An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; relating to intensive family preservation services; and providing for an effective date."

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

Do pass (1): Cissna

No recommendation (3): Coghill, Kohring, Joule

Amend (1): Dyson

The following fiscal note(s) apply to CSHB 252(HES):

1. Fiscal, Dept. of Health & Social Services

The Committee recommends an additional referral to the Judiciary Committee.

HB 252 was referred to the Rules Committee for placement on the calendar.

HB 281

The Judiciary Committee has considered:

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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 281(JUD)
(same title)

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

Do pass (3): Meyer, Ogan, Rokeberg

No recommendation (3): Berkowitz, Coghill, Kookesh

The following fiscal note(s) apply to CSHB 281(JUD):

1. Zero, House Labor and Commerce Committee

HB 281 was referred to the Rules Committee for placement on the calendar.

HB 286

The Resources Committee has considered:

HOUSE BILL NO. 286

"An Act allowing a person to hold more than one commercial fishing entry permit for a fishery; relating to the power of the Board of Fisheries to establish fishing periods and areas for

subgroups of commercial fishing permits and commercial fishing permit holders and to establish limits on the amount of fishing gear that may be used by certain commercial fishing permit holders; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 286(RES)

"An Act allowing a person to hold two commercial fishing entry permits for a salmon fishery for the purpose of consolidating the fishing fleet for a salmon fishery; relating to salmon fishery associations and to salmon fishery assessments; and providing for an effective date."

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

Do pass (5): Kapsner, Kerttula, Stevens, Fate, Scalzi

No recommendation (1): Masek

The following fiscal note(s) apply to CSHB 286(RES):

1. Zero, Dept. of Fish & Game

HB 286 was referred to the Rules Committee for placement on the calendar.

HB 384

The Judiciary Committee has considered:

HOUSE BILL NO. 384

"An Act relating to submission of civil litigation information; and amending Rules 41(a) and 58, Alaska Rules of Civil Procedure, Rule 511(c) and (e), Alaska Rules of Appellate Procedure, and Rule 503(d), Alaska Rules of Evidence."

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

Do pass (1): Rokeberg

No recommendation (4): Meyer, Coghill, Ogan, Kookesh

Amend (1): Berkowitz

The following fiscal note(s) apply:

1. Zero, House Judiciary Committee/All Depts.

HB 384 was referred to the Rules Committee for placement on the calendar.

HB 397

The Transportation Committee has considered:

HOUSE BILL NO. 397

"An Act exempting a person driving a snowmobile from driver licensing requirements."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 397(TRA)

"An Act relating to driver licensing requirements and the privilege to drive."

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

Do pass (6): Kookesh, Kapsner, Scalzi, Ogan, Masek, Kohring

The following fiscal note(s) apply to CSHB 397(TRA):

1. Zero, Alaska Court System
2. Zero, Dept. of Public Safety

HB 397 was referred to the State Affairs Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Richard W. Lobdell, Jr., World's Oldest Living Radio Communicator, On His "Retirement"
By Representative Rokeberg

Honoring - Carole E. Carlyle
By Representative Mulder

Honoring - Don Roberts, For Volunteerism
By Senator Austerman; Representative Stevens

In Memoriam - Tommy M. Ongtooguk
By Representative Joule

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 289**

The following was read the second time:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 289

"An Act relating to the effective date of a municipal manager plan that has been adopted and to the effective date of the repeal of a municipal manager plan, and relating to a special election for mayor when municipal manager plans are adopted or repealed."

with the:

Journal Page

CRA RPT 1DP 4NR
FN1: ZERO(H.CRA)

2304
2304

Amendment No. 1 was offered by Representatives Croft and Stevens:

Page 2, line 12, following "AS 29.20.230,":

Insert "a municipality may by ordinance provide that,"

Page 2, lines 14 - 18:

Delete all material.

Insert "incumbent mayor ends on that effective date. An ordinance adopted under this subsection must include procedures for holding a special election for mayor and must establish the term of office of a mayor elected at the special election."

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

The Speaker Pro Tempore stated that SSHB 289 am will be in third reading on the February 27, 2002, calendar.

HB 297

The following was read the second time:

HOUSE BILL NO. 297

"An Act related to aggravating factors at sentencing."

with the:

Journal Page

JUD RPT CS(JUD) 4DP	2179
FN1: ZERO(LAW)	2179
FN2: INDETERMINATE(ADM)	2179
FN3: INDETERMINATE(COR)	2179
FIN RPT CS(JUD) 9DP 2NR	2359
FN1: ZERO(LAW)	2360
FN2: INDETERMINATE(ADM)	2360
FN3: INDETERMINATE(COR)	2360

**The presence of Representative Kott was noted.

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

CS FOR HOUSE BILL NO. 297(JUD)
(same title)

There being no objection, it was so ordered.

Representative Foster moved and asked unanimous consent that CSHB 297(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 297(JUD) was read the third time.

The question being: "Shall CSHB 297(JUD) pass the House?" The roll was taken with the following result:

CSHB 297(JUD)

Third Reading

Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 8 ABSENT: 0

Yeas: Berkowitz, Coghill, Croft, Davies, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, Meyer, Morgan, Moses, Mulder, Murkowski, Ogan, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Bunde, Chenault, Cissna, Crawford, Dyson, McGuire, Porter, Rokeberg

And so, CSHB 297(JUD) passed the House and was referred to the Chief Clerk for engrossment.

HB 375

The following was read the second time:

HOUSE BILL NO. 375

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

February 25, 2002

2385

with the:

Journal Page

JUD RPT 1DP 3NR 2AM

2276

FN1: ZERO(LAA)

2276

Amendment No. 1 was offered by Representative Green:

Page 6, line 12, following "federal programs":

Insert "**subject to state control**"

Page 6, line 18, following "federal programs":

Insert "**subject to state control**"

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

Representative Davies objected and withdrew the objection. There being no further objection, Amendment No. 1 was adopted.

Representative Foster moved and asked unanimous consent that HB 375 am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 375 am was read the third time.

The question being: "Shall HB 375 am pass the House?" The roll was taken with the following result:

HB 375 am

Third Reading

Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 8 ABSENT: 0

Yeas: Berkowitz, Coghill, Croft, Davies, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, Meyer, Morgan, Moses, Mulder, Murkowski, Ogan, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Bunde, Chenault, Cissna, Crawford, Dyson, McGuire, Porter, Rokeberg

And so, HB 375 am passed the House.

Representative Foster 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.

HB 375 am was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 131

The following, which was advanced to third reading from the February 22, 2002, calendar (page 2366), was read the third time:

HOUSE BILL NO. 131

"An Act relating to standards for forest resources and practices; and providing for an effective date."

The question being: "Shall HB 131 pass the House?" The roll was taken with the following result:

HB 131

Third Reading

Final Passage

YEAS: 31 NAYS: 0 EXCUSED: 8 ABSENT: 1

Yeas: Berkowitz, Coghill, Croft, Davies, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Murkowski, Ogan, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Bunde, Chenault, Cissna, Crawford, Dyson, McGuire, Porter, Rokeberg

Absent: Moses

And so, HB 131 passed the House.

Representative Foster 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.

HB 131 was referred to the Chief Clerk for engrossment.

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

MESSAGES FROM THE SENATE

A message dated February 25, 2002, was read stating the Senate has passed the following and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SCR 22

SENATE CONCURRENT RESOLUTION NO. 22 by Senators Ward, Ellis, Lincoln, Taylor, Leman, Elton, Cowdery, Davis, Olson, Stevens, Austerman, Halford, and Hoffman:

Relating to declaring March 2002 as Sobriety Awareness Month.

was read the first time and referred to the Rules Committee for placement on the calendar.

CONSIDERATION OF THE DAILY CALENDAR (continued)

LEGISLATIVE CITATIONS

Representative Foster 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 - Valdez Volleyball Head Coach Rhonda Wegner and the Lady Buccaneers, 2001 Class 3A State Volleyball Champions

By Representatives Harris, Porter, Berkowitz, Bunde, Cissna, Crawford, Croft, Davies, Dyson, Green, Guess, Hayes, Hudson, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Whitaker, Williams, Wilson

Honoring - George M. Taft, Jr.

By Representatives Murkowski, Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Guess, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Ogan, Rokeberg, Stevens, Williams, Wilson; Senator Leman

Honoring - Tammy Streeter

By Representatives James, Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Whitaker, Williams, Wilson

Commemorating - The Sisters of Providence, 100 Years in Alaska

By Representatives Murkowski, Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Ogan, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Honoring - Bart LeBon

By Senator Wilken; Representatives Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Whitaker, Williams, Wilson

Honoring - Bill Bobrick

By Senator Ellis; Representatives Porter, Berkowitz, Cissna, Crawford, Croft, Davies, Dyson, Guess, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kookesh, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams, Wilson

Honoring - The Palmer High Hockey Team

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

In Memoriam - Frank Capra

By Representatives Rokeberg, Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Foster, Green, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Murkowski, Ogan, Scalzi, Stevens, Williams, Wilson

In Memoriam - Robert Willard

By Representatives Kerttula, Hudson, Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Foster, Guess, Harris, Hayes, Joule, Kapsner, Kookesh, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Scalzi, Stevens, Williams, Wilson; Senator Elton

In Memoriam - Herbert E. Wilborg

By Representatives Lancaster, Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Foster, Guess, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kott, Masek, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Scalzi, Stevens, Williams, Wilson

In Memoriam - Robert James Hamann Sr.

By Senator Phillips; Representatives Porter, Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Foster, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Scalzi, Stevens, Williams, Wilson

UNFINISHED BUSINESS

Representative Foster 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 Morgan - from 6:56 p.m., March 7 to 9:35 p.m., plane time, March 12, 2002

Representative Joule - from 2:30 p.m., March 15 to 9:00 p.m., plane time, March 29, 2002

Representative Kott - from 6:30 p.m., March 1 to 9:30 p.m., plane time, March 3, 2002

Representative Dyson - from 7:00 a.m., March 8 to 10:00 a.m., plane time, March 13; and from 2:00 p.m., March 15 to 10:00 a.m., plane time, March 18, 2002

Representative Dyson - from 1:50 p.m., February 27 to 10:30 a.m., plane time, March 5, 2002 (amended from page 2327)

Representative Kohring - withdrawal of previously excused absence from 5:00 p.m., February 15 to 9:45 p.m., plane time, February 17, 2002 (page 2169)

Representative James - withdrawal of previously excused absence from 1:50 p.m., February 27 to 9:30 p.m., plane time, February 28, 2002 (page 2328)

Representative Wilson - withdrawal of previously excused absence from 1:50 p.m., February 27 to 9:30 p.m., plane time, February 28, 2002 (page 2328)

HB 252

The Speaker Pro Tempore added a Judiciary Committee referral and a Finance Committee referral for the following:

HOUSE BILL NO. 252

"An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; and providing for an effective date."

HB 252 was removed from the Rules Committee and referred to the Judiciary Committee with a further referral to the Finance Committee.

HB 420

The Resources Committee submitted the forthcoming fiscal note to accompany their report (page 2363):

1. Zero, Dept. of Natural Resources

for:

HOUSE BILL NO. 420

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

HB 420 is in the Rules Committee.

HCR 24

Representative Scalzi added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 24

Requesting the Board of Game to clarify regulations regarding donations of big game meat to charitable organizations and the Department of Fish and Game to disseminate information on donating big game meat to charitable organizations.

HB 348

Representatives Kookesh and Meyer added their names as cosponsors to:

HOUSE BILL NO. 348

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

HB 405

Representatives Kookesh and Croft added their names as cosponsors to:

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 463

Representative Hayes added his name as cosponsor to:

HOUSE BILL NO. 463

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

HB 491

Representative Guess added her name as cosponsor to:

HOUSE BILL NO. 491

"An Act relating to the issuance of general obligation bonds for the purpose of paying the cost of construction and major maintenance for certain public school facilities; and providing for an effective date."

ENGROSSMENT**HB 131**

HB 131 was engrossed, signed by the Speaker Pro Tempore and Chief Clerk and transmitted to the Senate for consideration.

HB 297

CSHB 297(JUD) was engrossed, signed by the Speaker Pro Tempore and Chief Clerk and transmitted to the Senate for consideration.

HB 375

HB 375 am was engrossed, signed by the Speaker Pro Tempore and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meeting today has been changed as indicated:

Resources Committee
CANCELED

1:00 p.m., 2/25

ADJOURNMENT

Representative Foster moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 27, 2002. There being no objection, the House adjourned at 12:12 p.m.

Suzi Lowell
Chief Clerk