

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

April 8, 2002

Eighty-fifth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:06 a.m.

Roll call showed 36 members present. Representatives Chenault and Ogan had been previously excused from a call of the House today. Representative Masek was absent.

Representative James moved and asked unanimous consent that Representative Green's previous excuse (page 2528) be extended to 7:00 p.m. tonight. There being no objection, it was so ordered.

The invocation was sung by Teri Tibbett. Representative Davies moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Peace I ask of thee O river
Peace peace peace
When I learn to live serenely
Cares will cease
From the hills I gather courage
Visions of the day to be
Strength to lead and faith to follow
All are given unto me
Peace I ask of thee O river
Peace peace peace

The Pledge of Allegiance was led by Representative Berkowitz.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 82nd, 83rd, and 84th legislative days, House Journal Supplement No. 8, and House and Senate Joint Journal Supplement No. 15 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Bunde introduced Jordan Dieni and Alexandra Bowles, Guest Pages, from Anchorage.

MESSAGES FROM THE GOVERNOR

A letter dated April 5, 2002, was read stating that, in accordance with AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the boards noted.

The following appointment was referred to the Judiciary Committee:

Board of Governors of the Alaska Bar

Dr. Sheila Selkregg - Anchorage

Appointed: 04/05/2002 Term Expires: 03/01/2004

The following appointments were referred to the Labor & Commerce Committee:

Board of Dispensing Opticians

David Matthews, Jr. - Kotzebue

Appointed: 04/01/2002 Term Expires: 03/01/2006

Cindy Tidd - Wasilla

Appointed: 04/01/2002 Term Expires: 03/01/2005

Board of Marital and Family Therapy

Bill Platte - Juneau

Appointed: 04/01/2002 Term Expires: 03/01/2005

Board of Physical and Occupational Therapy

Linda Newman - Juneau

Appointed: 04/01/2002 Term Expires: 03/01/2006

Resumes for the appointments are on file in the Chief Clerk's office.

COMMUNICATIONS

The following was received:

Dept. of Natural Resources
Alaska Board of Forestry
2001 Annual Report to the Governor
A Review of the Alaska Forest Resources and
Practices Act: Its Implementation and Effectiveness
March 2002
(as required by AS 41.17.041)

REPORTS OF STANDING COMMITTEES

HJR 38

The Labor & Commerce Committee has considered:

HOUSE JOINT RESOLUTION NO. 38
Relating to urging the United States Congress to pass the
Terrorism Risk Protection Act.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 38(L&C)
Relating to urging the United States Congress to pass terrorism
risk protection legislation.

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

Do pass (6): Rokeberg, Meyer, Hayes, Crawford, Kott, Murkowski

The following fiscal note(s) apply to CSHJR 38(L&C):

1. Zero, House Labor & Commerce Committee

HJR 38 was referred to the Rules Committee for placement on the calendar.

HB 376

The Judiciary Committee has considered:

HOUSE BILL NO. 376

"An Act relating to management of fish and game in and on the navigable waters and submerged lands of Alaska."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 376(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 376(JUD):

2. Zero, House Judiciary Committee/Dept. of Fish & Game

HB 376 was referred to the Finance Committee.

HB 385

The Judiciary Committee has considered:

HOUSE BILL NO. 385

"An Act relating to the attorney fees and costs awarded in certain court actions relating to unfair trade practices; and amending Rules 54, 79, and 82, Alaska Rules of Civil Procedure."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 385(JUD)
(same title)

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

Do pass (1): Rokeberg

No recommendation (3): Meyer, Coghill, James

The following fiscal note(s) apply to CSHB 385(JUD):

1. Indeterminate, Dept. of Law

HB 385 was referred to the Rules Committee for placement on the calendar.

HB 393

The Judiciary Committee has considered:

HOUSE BILL NO. 393

"An Act relating to unfair and deceptive trade practices and to the sale of business opportunities; amending Rules 4 and 73, Alaska Rules of Civil Procedure; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 393(JUD)
(same title)

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

Do pass (1): Meyer

No recommendation (3): Coghill, James, Rokeberg

The following fiscal note(s) apply to CSHB 393(JUD):

1. Indeterminate, Dept. of Law

HB 393 was referred to the Finance Committee.

SB 243

The Labor & Commerce Committee has considered:

CS FOR SENATE BILL NO. 243(FIN)

"An Act extending the termination date of the Board of Chiropractic Examiners; and relating to chiropractors."

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

Do pass (6): Rokeberg, Meyer, Hayes, Crawford, Kott, Murkowski

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

CSSB 243(FIN) was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES**SB 105**

Pursuant to the following:

HOUSE CS FOR CS FOR SENATE BILL NO. 105(FIN)

"An Act relating to victims' rights; relating to establishing an office of victims' rights; relating to the crime victim's choice to appear or testify in a criminal case; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; relating to restitution for criminal and delinquency acts; authorizing the state to collect restitution on behalf of victims of crime and delinquent acts and the release of certain information related to that collection; relating to the forfeiture of certain cash and other security for payment of other restitution; relating to access by the Violent Crimes Compensation Board to certain records regarding delinquency acts to award compensation to

victims; relating to immunity for damages related to certain collections of restitution; amending Rule 82, Alaska Rules of Civil Procedure, Rule 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rules 402 and 501, Alaska Rules of Evidence; and providing for an effective date."

Chapter No. 92, SLA 2001

The Victims' Advocate Selection Committee submits the following name for approval in joint session to serve as the Chief Victims' Advocate (as required by AS 25.65.020):

Stephen E. Branchflower

The memorandum was dated April 4, 2002, and signed by Senator Halford and Representative Porter, Co-chairs; and Senators Donley, Olson; Representatives Kott, Joule.

A copy of the resume is on file in the Chief Clerk's office.

HB 302

The House Special Committee on Oil & Gas has considered:

HOUSE BILL NO. 302

"An Act establishing the Alaska Gas Corporation, a public corporation, and providing for its structure, management, responsibilities, and operation, and requiring the development of a project plan to evaluate whether construction and operation of a natural gas transmission pipeline project by the corporation is feasible."

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

Do pass (1): Fate

Do not pass (1): Kohring

No recommendation (2): Dyson, Chenault

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 302 was referred to the Resources Committee.

SB 308

The House Special Committee on Oil & Gas has considered:

CS FOR SENATE BILL NO. 308(FIN)

"An Act relating to the Alaska coastal management program and the responsibilities of the Alaska Coastal Policy Council; and providing for an effective date."

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

Do pass (2): Dyson, Fate

No recommendation (2): Joule, Guess

Amend (1): Kohring

The following fiscal note(s) apply:

1. Zero, Office of the Governor

CSSB 308(FIN) was referred to the Resources Committee.

SB 319

The House Special Committee on Oil & Gas has considered:

CS FOR SENATE BILL NO. 319(FIN)

"An Act relating to shallow natural gas; and providing for an effective date."

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

Do pass (4): Dyson, Joule, Guess, Fate

Amend (1): Kohring

The following fiscal note(s) apply:

1. Fiscal, Dept. of Natural Resources

CSSB 319(FIN) was referred to the Resources Committee.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 160

The following was read the second time:

HOUSE BILL NO. 160

"An Act requiring the reporting of induced terminations of pregnancies."

with the:

Journal Page

HES RPT CS(HES) 5DP 1NR 1AM	838
FN1: ZERO(H.HES/HSS)	839
JUD RPT CS(JUD) 5DP 2NR	1304
FN2: (HSS)	1304
FIN RPT CS(JUD) 4DP 3NR	2772
FN3: (HSS)	2772

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. 160(JUD)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 160(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 160(JUD) was read the third time.

The question being: "Shall CSHB 160(JUD) pass the House?" The roll was taken with the following result:

CSHB 160(JUD)
Third Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

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

Excused: Chenault, Green, Ogan

Absent: Masek

And so, CSHB 160(JUD) passed the House.

Representative Halcro gave notice of reconsideration of the vote on CSHB 160(JUD).

HB 397

Representative Kott moved and asked unanimous consent that the following be returned to the Rules Committee:

HOUSE BILL NO. 397

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

There being no objection, it was so ordered.

HB 447

The following was read the second time:

HOUSE BILL NO. 447

"An Act relating to the interest rates that may be charged on loans by the Commercial Fishing and Agriculture Bank."

with the:	Journal Page
L&C RPT 6DP	2795
FN1: ZERO(CED)	2795

Representative James moved and asked unanimous consent that HB 447 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 447 was read the third time.

The question being: "Shall HB 447 pass the House?" The roll was taken with the following result:

HB 447
Third Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

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

Excused: Chenault, Green, Ogan

Absent: Masek

And so, HB 447 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 citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Service High School Hockey Team State Champions

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

Honoring - Dimond High School Hockey Team State Runner-Up

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

In Memoriam - Linda Rae Russell

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

UNFINISHED BUSINESS

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 Fate - from noon, April 10 to 10:00 p.m., plane time, April 14, 2002 (amended from page 2745)

HB 438

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

HOUSE BILL NO. 438

"An Act relating to motor vehicle registration plates for disabled veterans; and providing for an effective date."

HB 438 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

HB 385

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 385

"An Act relating to the attorney fees and costs awarded in certain court actions relating to unfair trade practices; and amending Rules 54, 79, and 82, Alaska Rules of Civil Procedure."

HB 385 was removed from the Rules Committee and referred to the Finance Committee.

SB 319

The Speaker added a Finance Committee referral to follow the Resources Committee referral for the following:

CS FOR SENATE BILL NO. 319(FIN)

"An Act relating to shallow natural gas; and providing for an effective date."

CSSB 319(FIN) is in the Resources Committee.

HB 252

Representative Cissna added her name as cosponsor to:

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 315

Representatives Wilson and Scalzi added their names as cosponsors to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 315

"An Act allowing employers that are small businesses, small nonprofit organizations, or small associations for insurance purposes to join state employee insurance coverage as a group; and providing for an effective date."

HB 472

Representative Meyer added his name as cosponsor to:

HOUSE BILL NO. 472

"An Act relating to persons who buy and sell secondhand articles and to certain persons who lend money on secondhand articles."

SCR 28

Representative Wilson added her name as cross sponsor to:

**CS FOR SENATE CONCURRENT RESOLUTION NO.
28(RES)**

Establishing the Joint Legislative Salmon Industry Task Force.

ENGROSSMENT

HB 447

HB 447 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., 4/8

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 9, 2002. There being no objection, the House adjourned at 12:01 p.m.

Suzi Lowell
Chief Clerk