

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

March 16, 2004

Sixty-fifth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:16 a.m.

Roll call showed 33 members present. Representatives Berkowitz, Kookesh, Lynn, and Morgan had been previously excused from a call of the House today. Representative Weyhrauch was absent and his presence was noted later.

Representative Coghill moved and asked unanimous consent that Representatives Joule and Moses be excused from a call of the House today. There being no objection, it was so ordered. The presence of Representative Joule was noted later.

The invocation was offered by the Chaplain, Pastor Tom Matthews of Douglas Island Bible Church. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

As I pray, I just want to share I do acknowledge and respect the religious differences that are present here. I would ask you to join me as we open this session in prayer.

Dear Lord,

Thank You that You chose to speak the words and this world came into being. We sit in awe of Your power and Your majesty. As we live in this glorious state, how can we do anything but have our breath taken away by the beauty of Your creation.

The reality of our lives, Lord, is that in order to continue to enjoy what this state has to offer, there must be solid administrative decisions made by its leadership. Each person here is a Representative of a district of people who have entrusted them with the responsibility of representing them in these deliberations. My prayer today, Lord, is that You would help govern their decisions in a way that exhibits justice and fairness.

Lord, I pray for our country. We are a nation that represents freedom and equality to the world. Help us in Alaska to be a strong advocate of that dream. We are told in Psalms 47:8 that God reigns over the nations, that God is on His throne. I pray today for Your sovereign control over our nation, that we would truly be as we state in our pledge, "One nation, under God."

I lift these requests before You in the name of Jesus Christ, Your beloved son. Amen.

The Pledge of Allegiance was led by Representative Williams.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 64th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HJR 32

A message dated March 15, 2004, was read stating the Senate has passed CSHJR 32(FSH) am with an amendment (Senate journal page 2519); and so, the following is transmitted for consideration:

CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am S
Relating to the labeling of fish and fishery food products.

CSHJR 32(FSH) am is under Unfinished Business.

A message dated March 15, 2004, was read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 179

CS FOR SENATE BILL NO. 179(FIN) by the Senate Finance Committee, entitled:

"An Act relating to criminal history records and background checks; allowing persons to teach in the public schools for up to five months without a teaching certificate if the person has applied for a certificate and the application has not been acted upon by the Department of Education and Early Development due to a delay in receiving criminal history records; allowing teacher certification for certain persons based on a criminal history background check without fingerprints; and providing for an effective date."

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

**The presence of Representative Weyhrauch was noted.

SB 288

CS FOR SENATE BILL NO. 288(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to temporary custody hearings, and to certain determinations concerning placement of a child in child-in-need-of-aid proceedings; and providing for an effective date."

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

SB 353

SENATE BILL NO. 353 by the Senate Finance Committee, entitled:

"An Act relating to repealing a requirement for a day-care facility in the Fairbanks courthouse; and providing for an effective date."

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

REPORTS OF STANDING COMMITTEES

HB 464

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 464

"An Act extending the termination date of the Board of Certified Real Estate Appraisers."

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

Do pass (3): Gatto, Rokeberg, Anderson

No recommendation (2): Dahlstrom, Guttenberg

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

HB 464 was referred to the Rules Committee for placement on the calendar.

HB 529

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 529

"An Act relating to the performance of railroad track construction work for the Department of Transportation and Public Facilities by the Alaska Railroad Corporation."

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

Do pass (4): Crawford, Gatto, Guttenberg, Anderson

No recommendation (2): Rokeberg, Dahlstrom

The following fiscal note(s) apply:

1. Zero, House Labor & Commerce Committee/Dept. of Community & Economic Development
2. Zero, Dept. of Transportation & Public Facilities

HB 529 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

Honoring - 2003 Kenai Cardinals Varsity Football Team
By Representative Wolf

CONSIDERATION OF THE DAILY CALENDAR

THIRD READING OF SENATE BILLS

SB 265

The following, which was advanced to third reading from the March 15, 2004, calendar (page 2955), was read the third time:

CS FOR SENATE BILL NO. 265(RES)

"An Act relating to the schedule of proposed oil and gas lease sales and to a related report to the legislature; and providing for an effective date."

**The presence of Representative Joule was noted.

The question being: "Shall CSSB 265(RES) pass the House?" The roll was taken with the following result:

CSSB 265(RES)
Third Reading
Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 5 ABSENT: 0

Yeas: Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, Masek, McGuire, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Berkowitz, Kookesh, Lynn, Morgan, Moses

And so, CSSB 265(RES) passed the House.

Representative Coghill 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 265(RES) was signed by the Speaker and Chief Clerk and returned to the Senate.

SB 266

The following, which was advanced to third reading from the March 15, 2004, calendar (page 2955), was read the third time:

SENATE BILL NO. 266

"An Act approving an interim classification by the commissioner of natural resources closing certain land within the area of the proposed Bristol Bay (Alaska Peninsula) competitive oil and gas areawide lease sale to oil and gas exploration licensing and shallow natural gas leasing; and providing for an effective date."

Representative Gara moved and asked unanimous consent that a letter dated March 16, 2004, from the Commissioner of the Department of Natural Resources be spread on the journal. There being no objection, it follows:

"Dear Representative Gara:

You requested the administration's position concerning setbacks from anadromous streams and waterbodies and in regards to the five conservation units (critical habitat areas) within the proposed Alaska Peninsula Areawide Oil and Gas Lease Sale area.

In previous lease sales and exploration licenses, the department has proposed mitigation measures similar to the following:

'The siting of temporary and permanent facilities, other than docks, or road and pipeline crossings, will be prohibited within 500 feet of all fishbearing waterbodies. Facilities may be sited within this buffer if the lessee demonstrates to the satisfaction of the director, in consultation with OHMP, that site locations outside this buffer are not feasible or prudent or that a location inside the buffer is environmentally preferred.'

ADF&G has agreed to this language in previous offerings, including the proposed Bristol Bay Exploration License. Through the public process and through coordination with ADF&G we will determine whether a lease sale is in the state's best interest and whether such mitigation measures or others would be appropriate. It would be premature to finalize any setback language before we have gone through the public process.

The proposed sale area contains five critical habitat areas, Egegik, Pilot Point, Cinder River, Port Heiden and Port Moller. All five areas were created for the same purpose: to protect natural habitat crucial to perpetuation of fish and wildlife (especially waterfowl).

Special Area management plans developed by ADF&G provide guidelines for certain activities within many legislatively designated areas. By statute, these lands are jointly managed by ADF&G and ADNR. Special Area Permits issued by ADF&G are conditioned to mitigate impacts. ADF&G evaluates the potential effect of any activity on fish and wildlife, their habitat, and the users of those resources. ADF&G requires permits for any oil and gas related activity in state game refuges, sanctuaries and critical habitat areas. For example, timing restrictions may be used to limit the impact on wildlife during sensitive life-cycle periods.

ADF&G commented on the proposed Alaska Peninsula Areawide lease sale and did not object to including these areas in the sale. However, ADF&G recommended specific mitigation measures concerning these critical habitat areas, which we will incorporate into the draft lease sale mitigation measures prior to issuing them for public comment.

If you have any further questions or concerns on these matters, please contact me."

The question being: "Shall SB 266 pass the House?" The roll was taken with the following result:

SB 266

Third Reading

Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 5 ABSENT: 0

Yeas: Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, Masek, McGuire, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Berkowitz, Kookesh, Lynn, Morgan, Moses

And so, SB 266 passed the House.

Representative Coghill 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.

Representative Coghill moved and asked unanimous consent that the House adopt the House Resources Committee letter of intent (page 2950) with an accompanying letter of recommendation from the Speaker to the President. There being no objection, it was so ordered.

SB 266 was signed by the Speaker and Chief Clerk and returned to the Senate with the letter from the Department of Natural Resources, a House letter of intent, and the letter of recommendation from the Speaker to the President.

LEGISLATIVE CITATIONS

Representative Coghill 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 - Michael Odell, Winner of the 2003 Hershey's Track and Field Youth Softball Throw

By Representatives Ogg, Kott, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Honoring - Alice and Reverend Lincoln Snow

By Senator Davis; Representatives Kott, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

In Memoriam - Peggy Kelliher

By Representatives Foster, Kott, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

In Memoriam - Harold David Bell

By Representatives Foster, Kott, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

In Memoriam - Withers V. Tolbert Sr.

By Representatives Samuels, Moses, Kott, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

In Memoriam - Sam "Specks" Paul

By Senator Elton; Representatives Kerttula, Weyhrauch, Kott, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kohring, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf

CONCUR IN SENATE AMENDMENTS

HJR 32

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 2960) on the following at this time:

CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am
Relating to the labeling of fish and fishery food products.

and

CS FOR HOUSE JOINT RESOLUTION NO. 32(FSH) am S
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSHJR 32(FSH) am, thus adopting CSHJR 32(FSH) am S, and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHJR 32(FSH) am?" The roll was taken with the following result:

CSHJR 32(FSH) am S
Concur

YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1

Yeas: Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kerttula, Kohring, Kott, Masek, McGuire, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Berkowitz, Kookesh, Lynn, Morgan, Moses

Absent: Kapsner

And so, the House concurred in the Senate amendment, thus adopting CSHJR 32(FSH) am S.

The Chief Clerk notified the Senate.

CSHJR 32(FSH) am S was referred to the Chief Clerk for enrollment.

UNFINISHED BUSINESS

HB 464

The Speaker added a Finance Committee referral to the following:

HOUSE BILL NO. 464

"An Act extending the termination date of the Board of Certified Real Estate Appraisers."

HB 464 was removed from the Rules Committee and referred to the Finance Committee.

Representative Coghill 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 Kapsner - from 10:00 a.m. to 7:00 p.m., plane time, March 17, 2004

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 18, 2004. There being no objection, the House adjourned at 10:42 a.m.

Suzi Lowell
Chief Clerk