

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Friday

March 16, 2001

Sixty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:08 a.m.

Roll call showed 34 members present. Representatives Fate, Green, Masek, and Stevens had been previously excused from a call of the House today. Representative Ogan was excused from a call of the House today due to illness. Representative Kott was absent and his presence was noted later.

The invocation was offered by the Reverend Kathleen Wakefield of St. Brendan's Episcopal Church. Representative Bunde moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Lord, Thou knowest better than I know myself that I am growing older and will someday be old. Keep me from the fatal habit of thinking I must say something on every subject and on every occasion. Release me from craving to straighten out everybody's affairs. Make me thoughtful but not moody; helpful but not bossy. With my vast store of wisdom, it seems a pity not to use it all but Thou knowest, Lord, that I want a few friends at the end. Keep my mind free from the recital of endless details; give me wings to get to the point. Seal my lips on my aches and pains. They are increasing, and love of rehearsing them is becoming sweeter as the years go by. I dare not ask for improved memory, but for a growing humility and a lessening coxsureness when my memory seems to clash with the memories of others. Teach me the glorious lesson that occasionally I may be mistaken. Keep me reasonably sweet; I do not want to be a Saint -- some of them are so hard to live with -- but a sour old person is one of the

crowning works of the devil. Give me the ability to see good things in unexpected places, and talents in unexpected people. And give me, O Lord, the grace to tell them so. Amen. (from a traditional 17th Century Prayer, source unknown).

The Pledge of Allegiance was led by Representative Guess.

* * * * *

Representative Hudson led the members in singing "Danny Boy" in honor of St. Patrick's Day.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 67th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

Pursuant to AS 38.05.182, a letter dated March 12, 2001, was received from Pat Pourchot, Commissioner, Dept. of Natural Resources, transmitting the determination to take state oil and gas royalty in-value. Copies were sent to the House Special Committee on Oil & Gas and the Finance and Resources Committees.

**The presence of Representative Kott was noted.

REPORTS OF STANDING COMMITTEES

HB 54

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 54

"An Act relating to reimbursement of student loans; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 54(EDU)

"An Act relating to the rate of interest applicable to student loans; and providing for an effective date."

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

Do pass (5): Kohring, Wilson, Cissna, Joule, Dyson

No recommendation (1): Coghill

The following fiscal note(s) apply to CSHB 54(EDU):

1. Fiscal, Dept. of Education & Early Development

HB 54 was referred to the Finance Committee.

HB 110

The Judiciary Committee has considered:

HOUSE BILL NO. 110

"An Act relating to driver's licenses and instructional permits; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 110(JUD)

(same title)

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

Do pass (2): Meyer, Coghill

No recommendation (1): Berkowitz

Amend (2): James, Rokeberg

The following fiscal note(s) apply to CSHB 110(JUD):

1. Zero, Dept. of Administration

HB 110 was referred to the Rules Committee for placement on the calendar.

HB 114

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 114

"An Act relating to abuse of inhalants."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 114(HES)

"An Act relating to abuse of inhalants; and relating to minors under the influence of alcohol, inhalants, or drugs."

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

Do pass (5): Coghill, Wilson, Cissna, Joule, Dyson

The following fiscal note(s) apply to CSHB 114(HES):

1. Indeterminate, Dept. of Health & Social Services
2. Fiscal, Dept. of Health & Social Services

HB 114 was referred to the Judiciary Committee.

HB 151

The Transportation Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 151

"An Act naming the William R. Wood Fairbanks International Airport; and providing for an effective date."

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

Do pass (4): Wilson, Scalzi, Kookesh, Kohring

The following fiscal note(s) apply:

1. Zero, Dept. of Transportation & Public Facilities

SSHB 151 is on today's calendar.

SB 79

The Transportation Committee has considered:

SENATE BILL NO. 79

"An Act naming the Fred Zharoff Memorial Bridge."

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

Do pass (4): Kookesh, Wilson, Scalzi, Kohring

The following fiscal note(s) apply:

1. Zero, Dept. of Transportation & Public Facilities

SB 79 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES

HB 36

The House Special Committee on Economic Development Trade, & Tourism has considered:

HOUSE BILL NO. 36

"An Act relating to enterprise zones."

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

Do pass (3): Crawford, Guess, McGuire

No recommendation (2): Morgan, James

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

HB 36 was referred to the Community & Regional Affairs Committee.

HB 93

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 93

"An Act establishing the permit fee for the personal use dip net fisheries for the Kenai River and the Kasilof River; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 93(FSH)

"An Act relating to the permit fee for the personal use dip net fisheries for the Kenai River and the Kasilof River; and providing for an effective date."

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

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

Do not pass (1): Coghill

No recommendation (1): Dyson

The following fiscal note(s) apply to CSHB 93(FSH):

1. Fiscal, Dept. of Fish & Game

2. Fiscal, Dept. of Fish & Game

HB 93 was referred to the Resources Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Jason Palmer, Eagle Scout
By Representative Williams; Senator Taylor

Honoring - Mrs. Eunice Kennedy Shriver, Founder and Honorary Chairman, Special Olympics, Incorporated
By Representative McGuire

Honoring - Malcolm Fleming, Alaska State Principal of the Year
By Senator Torgerson

Honoring - Tim Osmar, Winner, 2001 Yukon Quest International Sled Dog Race
By Senator Torgerson

In Memoriam - Pavilla "Bazrataar" Bayayok, Sr.
By Representative Kapsner

In Memoriam - Charles Simpler
By Representative Harris; Senator Lincoln

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HCR 8**

HOUSE CONCURRENT RESOLUTION NO. 8 by Representatives Whitaker and Harris:

Expressing the legislature's opposition to the proposed "northern" or "over-the-top" route for a natural gas pipeline to transport North Slope natural gas reserves to the domestic North American market, and expressing the legislature's support of commercialization of North Slope natural gas for the maximum benefit of the people of the state.

was read the first time and referred to the House Special Committee on Oil & Gas and the Resources Committee.

HJR 21

HOUSE JOINT RESOLUTION NO. 21 by Representatives Croft and Kerttula:

Proposing an amendment to the Constitution of the State of Alaska relating to open meetings.

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

HJR 22

HOUSE JOINT RESOLUTION NO. 22 by the House Rules Committee by request of the House leadership:

Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to conduct a conclusive investigation and to take rapid action against the perpetrators.

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

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 188**

HOUSE BILL NO. 188 by Representative Dyson, entitled:

"An Act relating to motor vehicle air pollution control programs."

was read the first time and referred to the Community & Regional Affairs and Transportation Committees.

HB 189

HOUSE BILL NO. 189 by the House Judiciary Committee, entitled:

"An Act repealing statutory provisions relating to term limits and term limit pledges."

was read the first time and referred to the State Affairs and Judiciary Committees.

HB 190

HOUSE BILL NO. 190 by Representatives Whitaker and Croft, entitled:

"An Act levying and collecting an ad valorem tax on North Slope natural gas in place; and providing for an effective date."

was read the first time and referred to the House Special Committee on Oil & Gas and the Resources and Finance Committees.

HB 191

HOUSE BILL NO. 191 by the House Finance Committee, entitled:

"An Act authorizing financing for certain public transportation projects; giving notice of and approving the entry into, and the issuance of revenue obligations that provide participation in, lease-financing agreements for those transportation projects; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 150

The following was read the second time:

HOUSE BILL NO. 150

"An Act relating to insurance premiums for rental motor vehicles."

with the:	Journal Page
L&C RPT 5DP 1NR	511
FN1: ZERO(CED)	511

Representative James moved and asked unanimous consent that HB 150 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 150 was read the third time.

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

The question being: "Shall HB 150 pass the House?" The roll was taken with the following result:

HB 150
Third Reading
Final Passage

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

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

Excused: Fate, Green, Masek, Ogan, Stevens

And so, HB 150 passed the House and was referred to the Chief Clerk for engrossment.

HB 151

The Speaker stated that, without objection, the following would be returned to the Rules Committee:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 151

"An Act naming the William R. Wood Fairbanks International Airport; and providing for an effective date."

SECOND READING OF SENATE BILLS**SB 16**

The following was read the second time:

CS FOR SENATE BILL NO. 16(RLS)

"An Act regarding oil discharge prevention and cleanup involving self-propelled nontank vessels exceeding 400 gross registered tonnage and railroad tank cars and related facilities and operations and requiring preparation and implementation of oil discharge contingency plans for those nontank vessels and railroad tank cars; amending the definition of 'response action' that relates to releases or threatened releases of oil and thereby amending the duties and liabilities of response action contractors; authorizing compliance verification for nontank vessels and for trains and related facilities and operations; and providing for an effective date."

with the:

Journal Page

FIN RPT 4DP 1DNP 6NR

496

FN1: (DOT)

497

FN2: (DEC)

497

Representative James moved and asked unanimous consent that CSSB 16(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 16(RLS) was read the third time.

The question being: "Shall CSSB 16(RLS) pass the House?" The roll was taken with the following result:

CSSB 16(RLS)

Third Reading

Final Passage

YEAS: 32 NAYS: 2 EXCUSED: 5 ABSENT: 1

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

Nays: Foster, Kohring

Excused: Fate, Green, Masek, Ogan, Stevens

Absent: Moses

And so, CSSB 16(RLS) passed the House.

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.

CSSB 16(RLS) was signed by the Speaker and Chief Clerk and returned to the Senate.

SECOND READING OF SENATE RESOLUTIONS

SCR 2

The following was read the second time:

CS FOR SENATE CONCURRENT RESOLUTION NO. 2(HES)
Relating to declaring March 2001 as Sobriety Awareness Month.

with the:	Journal Page
HES RPT 5DP	435
FN1: ZERO(S.HES)	435

The question being: "Shall CSSCR 2(HES) pass the House?" The roll was taken with the following result:

CSSCR 2(HES)
Second Reading
Final Passage

YEAS: 33 NAYS: 0 EXCUSED: 5 ABSENT: 2

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

Excused: Fate, Green, Masek, Ogan, Stevens

Absent: Kohring, Moses

And so, CSSCR 2(HES) passed the House, was signed by the Speaker and Chief Clerk, and returned to the Senate.

LEGISLATIVE CITATIONS

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

Honoring - Le Bron McPhail, Milken Family Foundation National Educator Award

By Senator Green; Representatives Porter, Berkowitz, Bunde, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Scalzi, Williams

UNFINISHED BUSINESS

Representative James 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 Berkowitz - from 8:30 a.m., plane time, to 6:00 p.m., plane time, March 21, 2001

Representative Foster - from 8:00 a.m., plane time, April 9 to 6:00 p.m., plane time, April 13, 2001

Representative Hayes - from 8:30 a.m., plane time, to 5:30 p.m., plane time, March 21, 2001

Representative Joule - from 7:00 a.m., plane time, March 19 to 7:00 a.m., plane time, March 21, 2001

Representative Kott - from 7:20 p.m., plane time, today to 9:30 p.m., plane time, March 18, 2001

The Speaker stated the House would stand at ease for a Minority Caucus and so the House stood at ease at 11:11 a.m.

The Speaker called the House back to order at 11:27 a.m.

CONCUR IN SENATE AMENDMENTS

HB 117

Representative James moved and asked unanimous consent that the House consider the Senate message (page 606) on the following at this time:

CS FOR HOUSE BILL NO. 117(FIN) am

"An Act making supplemental and other appropriations; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 117(FIN)
(same title)

There being no objection, it was so ordered.

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

Representative Kott placed a call of the House and lifted the call.

Representative James moved and asked unanimous consent that Representative Kookesh be excused from a call of the House today at 12:15 p.m. There being no objection, it was so ordered.

Representative James moved that the House concur in the Senate amendment to CSHB 117(FIN) am, thus adopting SCS CSHB 117(FIN), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 117(FIN) am?" The roll was taken with the following result:

SCS CSHB 117(FIN)

Concur

YEAS: 26 NAYS: 8 EXCUSED: 6 ABSENT: 0

Yeas: Bunde, Chenault, Coghill, Dyson, Foster, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kohring, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Whitaker, Williams, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Davies, Kapsner, Kerttula, Moses

Excused: Fate, Green, Kookesh, Masek, Ogan, Stevens

Kohring changed from "Nay" to "Yea".

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 117(FIN).

Representative James moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

SCS CSHB 117(FIN)

Concur

Effective Date

YEAS: 34 NAYS: 0 EXCUSED: 6 ABSENT: 0

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

Excused: Fate, Green, Kookesh, Masek, Ogan, Stevens

And so, the effective date clause was adopted.

The Chief Clerk was instructed to so notify the Senate.

SCS CSHB 117(FIN) was referred to the Chief Clerk for enrollment.

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

MESSAGES FROM THE SENATE

HCR 6

A message dated March 16, 2001, was read stating the Senate has passed:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 6(HES)
am
Requesting the Governor to declare March 18 - 24, 2001, to be
Inhalants and Poisons Awareness Week and August 26 -
September 1, 2001, to be Inhalant Awareness Week.

with the following amendment and it is transmitted for consideration,

SENATE CS FOR CS FOR HOUSE CONCURRENT
RESOLUTION NO. 6(STA)
(same title)

Representative James moved that the House concur in the Senate amendment to CSHCR 6(HES) am, thus adopting SCS CSHCR 6(STA), and recommended that the members vote yes.

Representatives Dyson and Kohring were previously excused from a call of the House today at 1:30 p.m., plane time (pages 499 and 552).

The question being: "Shall the House concur in the Senate amendment to CSHCR 6(HES) am?" The roll was taken with the following result:

SCS CSHCR 6(STA)

Concur

YEAS: 30 NAYS: 0 EXCUSED: 8 ABSENT: 2

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

Excused: Dyson, Fate, Green, Kohring, Kookesh, Masek, Ogan, Stevens

Absent: Bunde, Croft

And so, the House concurred in the Senate amendment, thus adopting SCS CSHCR 6(STA).

The Chief Clerk was instructed to so notify the Senate.

SCS CSHCR 6(STA) was referred to the Chief Clerk for enrollment.

UNFINISHED BUSINESS

HCR 6

Representatives Wilson, Halcro, and Meyer added their names as cosponsors to:

SENATE CS FOR CS FOR HOUSE CONCURRENT
RESOLUTION NO. 6(STA)

Requesting the Governor to declare March 18 - 24, 2001, to be Inhalants and Poisons Awareness Week and August 26 - September 1, 2001, to be Inhalant Awareness Week.

HB 111

Representative Dyson added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 111

"An Act relating to civil liability for injuries or death resulting from livestock activities."

HB 114

Representative Coghill added his name as cosponsor to:

HOUSE BILL NO. 114

"An Act relating to abuse of inhalants."

HB 158

Representatives Murkowski and Wilson added their names as cosponsors to:

HOUSE BILL NO. 158

"An Act relating to the criteria for the adoption of regulations and to the relationship between a regulation and its enabling statute; and providing for an effective date."

HB 178

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 178

"An Act relating to the powers and duties of the commissioner of fish and game, the Department of Fish and Game, and the Board of Game, to certain nonresident hunters, to nuisance game animals, and to consideration of the budget of the Department of Fish and Game by the legislature; and providing for an effective date."

HB 180

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 180

"An Act requiring child services providers to obtain criminal background checks for child services workers."

SCR 2

Representatives Murkowski and McGuire added their names as cross sponsors to:

CS FOR SENATE CONCURRENT RESOLUTION NO. 2(HES)

Relating to declaring March 2001 as Sobriety Awareness Month.

ENGROSSMENT

HB 150

HB 150 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.

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 11:00 a.m., March 19, 2001. There being no objection, the House adjourned at 12:28 p.m.

Suzi Lowell
Chief Clerk