

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

March 20, 2002

#### Sixty-sixth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:07 a.m.

Roll call showed 35 members present. Representatives Kapsner and Ogan had been previously excused from a call of the House today. Representatives Kookesh, Mulder, and Williams were absent and their presence was noted later.

The invocation was offered by the Reverend Gregory L. Clark of Glacier Valley Baptist Church. Representative Green moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray. Almighty God, Creator of heaven and earth and by whose providence we have been sustained, give to us Your blessing today. You have declared in Your Word that You hear the prayers of Your creatures and that You are rich in mercy to all those who call upon Your Name. Therefore, encouraged by these great and precious promises, we beseech Your blessing and mercy.

We thank You for Your sovereign and providential hand that has birthed and blessed this nation. We are indeed most fortunate that we can call this land our home and that we can call Alaska our home. I thank You for those who are gathered in this room today and for their willingness and readiness to serve in our state government. Forgive us, Lord, when we have been quick to criticize but slow to pray for our Representatives. We know that is not pleasing to You because You have commanded us to pray for those in authority that we may lead a quiet and peaceable life in all

godliness and reverence. Therefore, I ask You to encourage and refresh each House member both present and absent today.

As always, we ask that You guide and govern our hearts and enable us to honor You in all of our efforts this day. We also continue to pray for the Ogan family and ask that You might continue to minister to Representative Ogan and meet his physical needs. Comfort and console his wife and family. Thank You for all You do for him. To God our Savior, who alone is wise, be glory and majesty, dominion and power, both now and forever. Amen.

The Pledge of Allegiance was led by Representative Kohring.

### **CERTIFICATION OF THE JOURNAL**

Representative James moved and asked unanimous consent that the journal for the 65th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

\* \* \* \* \*

Representative Whitaker introduced Emilie Ringstad, Guest Page, from Fairbanks.

### **COMMUNICATIONS**

The following was received:

Dept. of Natural Resources  
Alaska Division of Geological &  
Geophysical Surveys  
Annual Report 2001  
(as required by AS 41.08.030)

The following audit report was received from:

Division of Legislative Audit  
Legislative Budget & Audit Committee  
(as required by AS 24.20.311)

Alaska Court System  
Judicial Officer Salary Affidavits  
November 13, 2001

\*\*The presence of Representative Kookesh was noted.

### REPORTS OF STANDING COMMITTEES

#### **HB 474**

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 474

"An Act relating to public rights-of-way and easements for surface transportation affecting the Anchorage Coastal Wildlife Refuge."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 474(CRA)  
(same title)

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

Do pass (2): Scalzi, Meyer

No recommendation (4): Murkowski, Guess, Kerttula, Morgan

The following fiscal note(s) apply to CSHB 474(CRA):

1. Zero, House Community & Regional Affairs Committee

HB 474 was referred to the Resources Committee.

**HB 480**

The State Affairs Committee has considered:

HOUSE BILL NO. 480

"An Act providing that the death of a state employee killed because of their job status off the job site shall be considered an occupational death for purposes of survivor's pension benefits."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 480(STA)

"An Act providing that the death of an employee killed because of the employee's job status shall be considered an occupational death for purposes of survivor's pension benefits in the teachers' retirement system and the public employees' retirement system."

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

Do pass (7): Wilson, Crawford, Stevens, James, Fate, Hayes, Coghill

The following fiscal note(s) apply to CSHB 480(STA):

1. Zero, Dept. of Administration

HB 480 was referred to the Rules Committee for placement on the calendar.

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

**HB 508**

HOUSE BILL NO. 508 by the House Resources Committee, entitled:

"An Act relating to publication of results of testing for paralytic shellfish poisoning by the Department of Environmental Conservation and to participation of the Department of Environmental Conservation in the development of operating plans of qualified regional dive fishery associations."

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

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 288**

The following was read the second time:

HOUSE BILL NO. 288

"An Act relating to commercial fisheries limited entry permit buy-back programs."

with the:	Journal Page
FSH RPT 5DP 1NR	2163
FN1: ZERO(DFG)	2163
RES RPT CS(RES) NT 6DP	2274
FN1: ZERO(DFG)	2275
FIN RPT CS(FIN) NT 7DP 2NR	2480
FN1: ZERO(DFG)	2480
FN2: ZERO(REV)	2480
FN3: INDETERMINATE(REV)	2480

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. 288(FIN)

"An Act relating to commercial fishing limited entry permit buy-back programs, to a permit buy-back assessment, and to voluntary relinquishment of commercial fishing permits; and defining 'optimum number.'"

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Scalzi:

Page 3, following line 12:

Insert a new bill section to read:

"\* **Sec. 8.** AS 37.05.146(b)(4)(AA) is amended to read:

(AA) dive fishery management assessment receipts  
(AS 43.76.150) **and permit buy-back assessment receipts**  
**(AS 43.76.220)**;"

Renumber the following bill sections accordingly.

Page 4, following line 17:

Insert a new subsection to read:

"(e) The provisions of AS 43.05 and AS 43.10 apply to the enforcement and collection of a permit buy-back assessment levied under AS 43.76.220 - 43.76.240."

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted.

Representative James moved and asked unanimous consent that CSHB 288(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 288(FIN) am was read the third time.

\*\*The presence of Representatives Mulder and Williams was noted.

The question being: "Shall CSHB 288(FIN) am pass the House?" The roll was taken with the following result:

CSHB 288(FIN) am

Third Reading

Final Passage

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

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

Excused: Kapsner, Ogan

And so, CSHB 288(FIN) am passed the House and was referred to the Chief Clerk for engrossment.

**HB 381**

The following was read the second time:

HOUSE BILL NO. 381

"An Act relating to the crime of failure to stop at the direction of a peace officer; and providing for an effective date."

with the:	Journal Page
JUD RPT 3DP 2NR	2276
FN1: ZERO(LAW)	2276

Representative James moved and asked unanimous consent that HB 381 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 381 was read the third time.

The question being: "Shall HB 381 pass the House?" The roll was taken with the following result:

HB 381  
Third Reading  
Final Passage

**YEAS: 37 NAYS: 1 EXCUSED: 2 ABSENT: 0**

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

Nays: Bunde

Excused: Kapsner, Ogan

And so, HB 381 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.

HB 381 was referred to the Chief Clerk for engrossment.

## SECOND READING OF HOUSE RESOLUTIONS

### HJR 44

The following was read the second time:

#### HOUSE JOINT RESOLUTION NO. 44

Urging the President of the United States, the United States Congress, and appropriate federal officials to support the construction and operation of the Alaska Highway Natural Gas Pipeline route.

with the:	Journal Page
O&G RPT CS(O&G) NT 5DP 1NR	2483
FN1: ZERO(H.O&G)	2483
RES RPT CS(RES) NT 7DP 2AM	2573
FN1: ZERO(H.O&G)	2574

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

#### CS FOR HOUSE JOINT RESOLUTION NO. 44(RES)

Strongly urging the President of the United States, the United States Congress, and appropriate federal officials to support the construction and operation of the Alaska Highway Natural Gas Pipeline route.

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Green:

Page 2, line 1:

Delete "deliver any significant supply response"  
Insert "provide any significant gas supply increase"

Page 2, line 15:

Delete "been studying"  
Insert "studied"



Page 2, line 30, through page 3, line 1:

Delete all material.

Insert "new federal enabling legislation that is currently being debated in the United States Senate; and"

Page 3, lines 10 and 11:

Delete "Alaska," which rights will be impaired if a northern route is followed; and"

Insert "Alaska"; and"

Page 3, lines 17 - 24:

Delete all material and insert:

**"WHEREAS** the United States Senate has concurred with the United States House of Representatives to oppose the northern route and has expressed its support for the southern route; and"

Page 3, line 25, following "provides":

Insert "petrochemical extraction opportunities in the United States and"

Page 3, lines 26 and 27:

Delete ", while the northern route does not"

Page 3, line 28, through page 4, line 3:

Delete all material.

Page 4, line 9:

Delete all material.

Page 4, lines 15 - 17:

Delete all material.

Page 4, line 18:

Delete "also"

Page 4, line 25, following "supporting":

Insert "enactment of"

Page 4, line 30, following "supporting":

Insert "enactment of"

Page 5, lines 1 and 2:

Delete ", and requesting that the Congress enact legislation to ban the northern route pipeline"

Page 5, lines 3 - 6:

Delete all material.

Page 5, line 17:

Delete "legislature"

Insert "Alaska State Legislature"

Page 5, line 18, following "legislation"

Insert ", "

Page 5, line 24:

Delete all material and insert:

"(2) provisions for access to the pipeline by Explorers on a fair"

Page 5, line 25, following "season":

Delete "and"

Insert "with"

Page 5, line 28:

Delete "for the pipeline companies that provide"

Page 6, line 7, following "LNG":

Insert "or GTL"

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

Representative Berkowitz objected.

Amendment to Amendment No. 1 was offered by Representative Whitaker:

Delete the following:

"Page 3, lines 10 and 11:

Delete "Alaska," which rights will be impaired if a northern route is followed; and"

Insert "Alaska"; and""

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

Representative Green objected.

The question being: "Shall Amendment to Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHJR 44(RES)  
Second Reading  
Amendment to Amendment No. 1

**YEAS: 24 NAYS: 11 EXCUSED: 2 ABSENT: 3**

Yeas: Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Fate, Foster, Guess, Halcro, Harris, James, Joule, Kerttula, Kookesh, Lancaster, McGuire, Morgan, Murkowski, Porter, Scalzi, Stevens, Whitaker, Williams

Nays: Bunde, Chenault, Dyson, Green, Hayes, Hudson, Kohring, Kott, Meyer, Mulder, Wilson

Excused: Kapsner, Ogan

Absent: Masek, Moses, Rokeberg

And so, Amendment to Amendment No. 1 was adopted.

Representative Berkowitz withdrew his objection. There being no further objection, Amendment No. 1 as amended was adopted.

Amendment No. 2 was offered by Representative Davies:

Page 3, lines 4 and 5:

Delete ", similar to the Producers' enabling legislation and supported by the Producers"

Representative Davies moved and asked unanimous consent that Amendment No. 2 be adopted. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Berkowitz:

Page 3, line 12:

Delete "the President's Decision"

Insert "President Carter's decision"

Representative Berkowitz moved and asked unanimous consent that Amendment No. 3 be adopted. There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHJR 44(RES) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 44(RES) am was read the third time.

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

The question being: "Shall CSHJR 44(RES) am pass the House?"  
The roll was taken with the following result:

CSHJR 44(RES) am

Third Reading

Final Passage

**YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1**

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

Excused: Kapsner, Ogan

Absent: Moses

And so, CSHJR 44(RES) am 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 - Captain John V. "Vince" O'Shea

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

Commemorating - National Adoption Month, November 2002

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

**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 Dyson - from 2:05 p.m., April 12 to 10:04 a.m., plane time, April 15, 2002

Representative Harris - from 7:00 a.m., March 29 to 9:30 p.m., plane time, March 31, 2002

Representative Morgan - from 2:05 p.m., March 28 to 9:35 p.m., plane time, April 1, 2002 (amended from page 2592)

Representative Kott - from 7:00 a.m., March 23 to 9:30 a.m., plane time, March 24, 2002 (amended from page 2610)

**HB 288**

Representative Crawford added his name as cosponsor to:

CS FOR HOUSE BILL NO. 288(FIN) am

"An Act relating to commercial fishing limited entry permit buy-back programs, to a permit buy-back assessment, and to voluntary relinquishment of commercial fishing permits; and defining 'optimum number.'"

**HB 489**

Representative James removed her name as cosponsor to:

HOUSE BILL NO. 489

"An Act relating to cruelty to animals."

**ENGROSSMENT****HJR 44**

CSHJR 44(RES) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 288**

CSHB 288(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 381**

HB 381 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., 3/20
Minority Caucus		upon adj., 3/20

**ADJOURNMENT**

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 22, 2002. There being no objection, the House adjourned at 11:37 a.m.

Suzi Lowell  
Chief Clerk