

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

April 1, 2002

Seventy-eighth Day

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

Roll call showed 30 members present. Representatives Chenault, Fate, Green, Joule, Morgan, Moses, and Ogan had been previously excused from a call of the House today.

Representative James moved and asked unanimous consent that the following members' previously excused absences be extended through today as noted. There being no objection, it was so ordered.

Representative Hayes - to 12:55 p.m., plane time (page 2673)

Representative McGuire - to 12:55 p.m., plane time (page 2652)

Representative Wilson - to 1:20 p.m., plane time (page 2592)

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

O God, our Father, we stand here today with gratitude for the privilege of representing our fellow citizens. This task is bigger than we are; therefore, we look to You for guidance for our deliberations today.

As we endeavor to make laws to protect and provide for our people, please keep us from wrongfully dominating the lives that we are here to serve, and that justice and mercy may find their balance in our lives as You guide us.

As we put forth our views and argue our causes before this body and all of Alaska, please remind us that our hearts are on display before You and for all to see.

Now we go to the business of the day with good courage and gratitude being reminded of Your presence. In Jesus' Name. Amen.

The Pledge of Allegiance was led by Representative Mulder.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 73rd, 74th, 75th, 76th, and 77th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

SCR 23

A message dated March 27, 2002, was read stating the Senate has concurred in the House amendment to SCR 23, thus adopting:

SENATE CONCURRENT RESOLUTION NO. 23 am H
Relating to declaring April 6, 2002, as Alaska Tartan Day.

Messages dated March 27 and 28, 2002, were read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SCR 28

CS FOR SENATE CONCURRENT RESOLUTION NO. 28(RES) by the Senate Resources Committee:

Establishing the Joint Legislative Salmon Industry Task Force.

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

SCR 29

SENATE CONCURRENT RESOLUTION NO. 29 by Senators Kelly, Phillips, Donley, and Leman:

Relating to urging the Governor to institute a hiring freeze on state government.

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

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 308

CS FOR SENATE BILL NO. 308(FIN) by the Senate Finance Committee, entitled:

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

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

SB 319

CS FOR SENATE BILL NO. 319(FIN) by the Senate Finance Committee, entitled:

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

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

SB 339

SENATE BILL NO. 339 by the Senate Finance Committee, entitled:

"An Act increasing fines for certain criminal offenses."

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

COMMUNICATIONS

The following was received:

Dept. of Transportation & Public Facilities
Statewide Transportation Policy Plan
Vision: 2020 Draft Plan; Section One: Policies
Spring 2002

REPORTS OF STANDING COMMITTEES

The Health, Education & Social Services Committee has reviewed the qualifications of:

Jay Livey - Commissioner
Department of Health, Education and Social Services

and recommends the following:

Confirm (1): Dyson

No recommendation (2): Kohring, Coghill

The report was signed by Representative Dyson, Chair.

HB 27

The Finance Committee has considered:

HOUSE BILL NO. 27

"An Act relating to the licensure and registration of individuals who perform home inspections; relating to home inspection requirements for residential loans purchased or approved by the Alaska Housing Finance Corporation; relating to civil actions by and against home inspectors; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 27(FIN)

"An Act relating to the registration of individuals who perform home inspections; relating to regulation of contractors; relating to registration fees for specialty contractors, home inspectors, and associate home inspectors; relating to home inspection requirements for residential loans purchased or approved by the Alaska Housing Finance Corporation; relating to civil actions by and against home inspectors and to civil actions arising from residential unit inspections; and providing for an effective date."

The report was signed by Representative Williams, Co-chair, with the following individual recommendations:

Do pass (4): Harris, Davies, Lancaster, Williams

No recommendation (3): Bunde, Croft, Hudson

The following fiscal note(s) apply to CSHB 27(FIN):

5. Zero, Dept. of Revenue
6. Fiscal, Department of Community & Economic Development

HB 27 was referred to the Rules Committee for placement on the calendar.

HB 292

The Health, Education & Social Services Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 292

"An Act relating to child care grants; and providing for an effective date."

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

Do pass (2): Cissna, Joule

Do not pass (1): Kohring

No recommendation (2): Coghill, Dyson

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

SSHB 292 was referred to the Finance Committee.

HB 332

The Finance Committee has considered:

HOUSE BILL NO. 332

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 332(FIN)

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; relating to the council's duties; placing the executive director and staff of the council in the exempt service; and providing for an effective date."

The report was signed by Representative Williams, Co-chair, with the following individual recommendations:

Do pass (6): Bunde, Harris, Croft, Lancaster, Hudson, Williams

No recommendation (1): Davies

The following fiscal note(s) apply to CSHB 332(FIN):

1. Fiscal, Dept. of Public Safety
2. Fiscal, Dept. of Public Safety
3. Fiscal, Dept. of Public Safety

HB 332 was referred to the Rules Committee for placement on the calendar.

HB 397

The State Affairs 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(STA)

"An Act exempting a person driving certain motor vehicles, aircraft, or watercraft from driver licensing requirements; and providing for an effective date."

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

Do pass (2): Fate, Coghill

No recommendation (4): Wilson, Crawford, Stevens, James

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

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

HB 397 was referred to the Rules Committee for placement on the calendar.

HB 421

The Finance Committee has considered:

HOUSE BILL NO. 421

"An Act relating to water use and appropriation."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 421(RES)

(same title)

The report was signed by Representative Williams, Co-chair, with the following individual recommendations:

Do pass (4): Whitaker, Harris, Lancaster, Williams

No recommendation (4): Bunde, Croft, Davies, Hudson

The following fiscal note(s) apply to CSHB 421(RES):

1. Zero, House Resources Committee/Dept. of Natural Resources
2. Fiscal, Dept. of Natural Resources

HB 421 was referred to the Rules Committee for placement on the calendar.

SB 206

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 206(TRA)

"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

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

Do pass (6): Wilson, Crawford, Stevens, James, Fate, Coghill

The following fiscal note(s) apply:

2. Zero, Dept. of Public Safety
3. Zero, Dept. of Administration

CSSB 206(TRA) was referred to the Finance Committee.

SB 337

The Community & Regional Affairs Committee has considered:

SENATE BILL NO. 337

"An Act relating to eligibility for an exemption from municipal property taxes for certain seniors and disabled veterans."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 337(CRA)
(same title)

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

Do pass (4): Halcro, Scalzi, Murkowski, Meyer

No recommendation (2): Kerttula, Morgan

The following fiscal note(s) apply to HCS SB 337(CRA):

1. Zero, Dept. of Community & Economic Development

SB 337 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - Lucille Qaanaq Wongittilin
By Representative Foster

Honoring - Lola E. A. Ferguson
By Representative Guess; Senator Ellis

Honoring - George Harper, Blacks in Alaska History Project
By Representative Guess; Senator Ellis

Honoring - Al Tamagni, Sr.
By Representative Meyer

Honoring - Jim Palmer
By Representative Dyson

Honoring - Nikiski High School Girls' Basketball Team, Class 3A
State Champions
By Senators Ward, Leman

Honoring - Fairbanks Junior Men's Curling Team, Leo Johnson, Colin Huffman, Martin Sather, Chris Benshoof, and Steven Birkliid
By Senator Wilken

In Memoriam - Estella E. Eagle
By Representative Lancaster

In Memoriam - James Arthur Messer
By Senator Wilken

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

HJR 48

HOUSE JOINT RESOLUTION NO. 48 by the House Rules Committee:

Relating to federal land withdrawals.

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

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

HB 513

HOUSE BILL NO. 513 by the House Rules Committee by request of the House Special Committee on Economic Development, Trade, & Tourism, entitled:

"An Act relating to issuance of permits for aquatic farming of shellfish."

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

HB 514

HOUSE BILL NO. 514 by the House Rules Committee, entitled:

"An Act naming state ferries."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 128**

The following was read the second time:

HOUSE BILL NO. 128

"An Act relating to employment of certain minors in agriculture."

with the:	Journal Page
L&C RPT CS(L&C) NT 6DP 1NR	2478
FN1: (LWF)	2479
FIN RPT CS(L&C) NT 5DP 1NR	2698
FN1: (LWF)	2698

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. 128(L&C)

"An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 128(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 128(L&C) was read the third time.

Representative Berkowitz moved and asked unanimous consent that CSHB 128(L&C) be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Berkowitz:

Page 1, line 2, following "**minors**" (title amendment):

Insert: "**; and providing for an effective date**"

Page 2, following line 22:

Insert a new bill section to read:

"* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c)."

Representative Berkowitz moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered, and the new title follows:

CS FOR HOUSE BILL NO. 128(L&C)(efd add)

"An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors; and providing for an effective date."

The question being: "Shall CSHB 128(L&C)(efd add) pass the House?" The roll was taken with the following result:

CSHB 128(L&C)(efd add)

Third Reading

Final Passage

YEAS: 29 NAYS: 0 EXCUSED: 10 ABSENT: 1

Yeas: Berkowitz, Bunde, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Foster, Guess, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kohring, Kookesh, Lancaster, Masek, Meyer, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams

Excused: Chenault, Fate, Green, Hayes, Joule, McGuire, Morgan, Moses, Ogan, Wilson

Absent: Kott

And so, CSHB 128(L&C)(efd add) 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.

CSHB 128(L&C)(efd add) was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 343

The Speaker stated that, without objection, the following would be held to tomorrow's calendar:

CS FOR SENATE BILL NO. 343(RES)

"An Act clarifying the term 'best technology' required for use in oil discharge prevention and contingency plans; affirming existing Department of Environmental Conservation regulations defining 'best technology' and oil discharge prevention and contingency plans approved using those regulations; and providing for an effective date."

HOUSE BILLS IN THIRD READING

HB 216

The following, which had been read the third time and returned to the Rules Committee (page 2411), was again before the House in third reading:

CS FOR HOUSE BILL NO. 216(RES)

"An Act relating to the emergency order authority of the commissioner of fish and game and to meetings of the Board of Fisheries."

The question being: "Shall CSHB 216(RES) pass the House?" The roll was taken with the following result:

#AKH00599 04-01-2002 12:04:31

CSHB 216(RES)

Third Reading

Final Passage

YEAS: 24 NAYS: 4 EXCUSED: 10 ABSENT: 2

Yeas: Berkowitz, Bunde, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kookesh, Kott, Lancaster, Murkowski, Porter, Scalzi, Stevens, Whitaker, Williams

Nays: Kohring, Masek, Meyer, Mulder

Excused: Chenault, Fate, Green, Hayes, Joule, McGuire, Morgan, Moses, Ogan, Wilson

Absent: Foster, Rokeberg

And so, CSHB 216(RES) 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 - James C. Hayes

By Representatives Hayes, James, Coghill, Davies, Whitaker, Porter, Berkowitz, Bunde, Cissna, Fate, Kapsner, Kerttula, Kott, Mulder, Murkowski, Ogan, Rokeberg; Senators Kelly, Wilken, Therriault

Honoring - Dr. Carla A. Kirts, Retirement from the University of Alaska Fairbanks

By Representatives James, Porter, Berkowitz, Bunde, Cissna, Coghill, Fate, Green, Guess, Kapsner, Kerttula, Kott, Mulder, Murkowski, Ogan, Rokeberg

Honoring - University of Alaska Fairbanks Rifle Team

By Representatives James, Porter, Berkowitz, Cissna, Coghill, Fate, Foster, Green, Guess, Kapsner, Kerttula, Kohring, Kott, Mulder, Murkowski, Ogan, Rokeberg

Commemorating - 60th Anniversary of the Bombing of the Aleutian Islands

By Representatives Moses, Porter, Berkowitz, Bunde, Cissna, Coghill, Fate, Foster, Green, Guess, James, Kapsner, Kerttula, Kohring, Kott, Mulder, Murkowski, Ogan, Rokeberg

Honoring - Jay Hakkinen, 2002 Winter Olympics

By Senator Torgerson; Representatives Porter, Berkowitz, Bunde, Cissna, Coghill, Fate, Green, Guess, James, Kapsner, Kerttula, Kohring, Kott, Mulder, Murkowski, Ogan, Rokeberg

Honoring - Katie Lockwood, Alaska's Junior Miss 2002

By Senator Torgerson; Representatives Porter, Berkowitz, Bunde, Cissna, Fate, Green, Guess, James, Kapsner, Kerttula, Kohring, Kott, Mulder, Murkowski, Ogan, Rokeberg

In Memoriam - Clifford H. Smith

By Senator Taylor; Representatives Porter, Berkowitz, Bunde, Cissna, Coghill, Fate, Foster, James, Kapsner, Kerttula, Kott, Mulder, Murkowski, Ogan, Rokeberg

In Memoriam - Edgar Paul Boyko

By Senators Halford, Ward; Representatives Porter, Berkowitz, Bunde, Cissna, Coghill, Fate, Foster, Green, James, Kapsner, Kerttula, Kohring, Kott, Mulder, Murkowski, Ogan, Rokeberg

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 Crawford - from 7:09 p.m., April 12 to 9:35 p.m., plane time, April 14, 2002

Representative Fate - from 5:00 p.m., April 10 to 10:00 p.m., plane time, April 14, 2002

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Representative Kookesh - from 8:00 a.m., April 2 to 9:00 p.m., plane time, April 3, 2002

Representative Rokeberg - from 6:00 a.m., April 12 to 10:00 a.m., plane time, April 15, 2002

HB 128

Representatives Dyson, Rokeberg, and James added their names as cosponsors to:

CS FOR HOUSE BILL NO. 128(L&C)(efd add)

"An Act relating to the required approval of the commissioner of labor and workforce development for the employment of certain minors; and providing for an effective date."

HB 449

Representative Lancaster added his name as cosponsor to:

HOUSE BILL NO. 449

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

ENGROSSMENT

HB 128

CSHB 128(L&C)(efd add) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 216

CSHB 216(RES) 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., 4/1
Minority Caucus		upon adj., 4/1

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 2, 2002. There being no objection, the House adjourned at 12:14 p.m.

Suzi Lowell
Chief Clerk