

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

April 2, 2002

#### Seventy-ninth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:05 a.m.

Roll call showed 30 members present. Representatives Kookesh, Moses, and Ogan had been previously excused from a call of the House today. Representative Joule was excused and his presence was noted later. Representatives Croft, Kott, Masek, Mulder, Whitaker, and Williams were absent and their presence was noted later.

The invocation was offered by the Reverend Tom Moffatt of St. Nicholas Russian Orthodox Church. Representative Green moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

For the peace from above and for the salvation of our souls,  
let us pray to the Lord.

For the President of our country, George; for the Governor of  
our state, Anthony; and all those in civil authority, especially  
your Representatives here gathered.

Now, may the blessings of God shower down upon you and  
all those whom you love. Amen.

The Pledge of Allegiance was led by Representative Cissna.

**CERTIFICATION OF THE JOURNAL**

Representative James moved and asked unanimous consent that the journal for the 78th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

**MESSAGES FROM THE GOVERNOR**

A letter dated April 1, 2002, was read stating that, in accordance with AS 39.05.080 and 16.05.221(d), the Governor submits the following names for legislative confirmation of appointment to the board noted. The Speaker referred the following to the House Special Committee on Fisheries and the Resources Committee:

**Board of Fisheries**

Brett Huber - Soldotna

Appointed: 07/01/02 Term Expires: 06/30/05

Gerry Merrigan - Petersburg

Appointed: 07/01/02 Term Expires: 06/30/05

Art Nelson - Anchorage

Appointed: 07/01/02 Term Expires: 06/30/05

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

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

**REPORTS OF STANDING COMMITTEES****HB 390**

The Finance Committee has considered:

**HOUSE BILL NO. 390**

"An Act extending the termination dates of certain activities and salmon marketing programs of the Alaska Seafood Marketing Institute and of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date."

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

Do pass (7): Whitaker, Harris, Croft, Davies, Lancaster, Hudson, Williams

No recommendation (1): Bunde

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

HB 390 was referred to the Rules Committee for placement on the calendar.

**HB 399**

The Labor and Commerce Committee has considered:

HOUSE BILL NO. 399

"An Act relating to the Uniform Mechanical Code and other safety codes; annulling certain regulations adopted by the Department of Community and Economic Development relating to the mechanical code that applies to certain construction contractors and mechanical administrators; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 399(L&C)

"An Act relating to the licensing and regulation of mechanical administrators and to the mechanical code and other building codes; annulling certain regulations adopted by the Department of Community and Economic Development relating to the mechanical code that applies to certain construction contractors and mechanical administrators; relating to the examination of applicants for mechanical administrator licenses; and providing for an effective date."

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

Do pass (2): Rokeberg, Meyer

Do not pass (2): Hayes, Crawford

No recommendation (3): Kott, Halcro, Murkowski

The following fiscal note(s) apply to CSHB 399(L&C):

1. Zero, Dept. of Revenue
2. Fiscal, Dept. of Community & Economic Development
3. Fiscal, Dept. of Law

HB 399 was referred to the Rules Committee for placement on the calendar.

**HB 451**

The Finance Committee has considered:

HOUSE BILL NO. 451

"An Act relating to municipal bond reimbursement for school construction; and providing for an effective date."

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

Do pass (7): Whitaker, Harris, Croft, Davies, Lancaster, Hudson, Williams

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

HB 451 was referred to the Rules Committee for placement on the calendar.

**HB 472**

The Labor and Commerce Committee has considered:

## 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."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 472(L&amp;C)

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

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

No recommendation (5): Meyer, Hayes, Kott, Halcro, Murkowski

Amend (1): Rokeberg

The following fiscal note(s) apply to CSHB 472(L&C):

1. Zero, Dept. of Public Safety

HB 472 was referred to the Judiciary Committee.

**HB 506**

The Judiciary Committee has considered:

## HOUSE BILL NO. 506

"An Act relating to legislative immunity."

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

Do pass (5): James, Meyer, Coghill, Kookesh, Rokeberg

Do not pass (1): Berkowitz

The following fiscal note(s) apply:

1. Zero, Legislative Affairs Agency

HB 506 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 - The Kodiak High School 2002 Alaska Ocean Sciences Bowl Champions  
By Representative Stevens; Senator Austerman

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

#### **HB 515**

HOUSE BILL NO. 515 by the House Finance Committee, entitled:

"An Act relating to missions and measures to be applied to certain expenditures by the executive branch of state government and the University of Alaska and by the judicial branch of state government from the state operating budget for the fiscal year ending June 30, 2003; and providing for an effective date."

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

#### **HB 516**

HOUSE BILL NO. 516 by the House Health, Education & Social Services Committee, entitled:

"An Act relating to the state centralized correspondence study program and to the duties of school boards of borough and city school districts and regional educational attendance areas; 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 Committee.

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 330**

The following was read the second time:

HOUSE BILL NO. 330

"An Act relating to providing alcoholic beverages to a person under 21 years of age."

with the:	Journal Page
JUD RPT CS(JUD) 4DP 2NR	2225
FN1: ZERO(LAW)	2225
FN2: INDETERMINATE(ADM)	2225
FN3: INDETERMINATE(COR)	2225
FIN RPT CS(FIN) 7DP 2NR 2AM	2434
FN1: ZERO(LAW)	2434
FN2: INDETERMINATE(ADM)	2434
FN3: INDETERMINATE(COR)	2434

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

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. 330(FIN)  
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 330(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 330(FIN) was read the third time.

\*\*The presence of Representatives Williams, Whitaker, Croft, and Joule was noted.

The question being: "Shall CSHB 330(FIN) pass the House?" The roll was taken with the following result:

CSHB 330(FIN)  
Third Reading  
Final Passage

**YEAS: 31 NAYS: 4 EXCUSED: 3 ABSENT: 2**

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

Nays: Cissna, Davies, Kerttula, Kohring

Excused: Kookesh, Moses, Ogan

Absent: Croft, McGuire

And so, CSHB 330(FIN) passed the House.

Representative Davies gave notice of reconsideration of the vote on CSHB 330(FIN).

#### **HB 402**

The following was read the second time:

##### HOUSE BILL NO. 402

"An Act relating to diversion payments, wage subsidies, cash assistance, and self-sufficiency services provided under the Alaska temporary assistance program; relating to the food stamp program; relating to child support cases that include persons who receive cash assistance or self-sufficiency services under the Alaska temporary assistance program; and providing for an effective date."

with the:

Journal Page

HES RPT 3DP 3NR

2277

FN1: ZERO(HSS)

2277



HOUSE JOURNAL

April 2, 2002

2757

FIN RPT CS(FIN) 9DP  
FN1: ZERO(HSS)

2436  
2436

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. 402(FIN)  
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 402(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 402(FIN) was read the third time.

The question being: "Shall CSHB 402(FIN) pass the House?" The roll was taken with the following result:

CSHB 402(FIN)  
Third Reading  
Final Passage

**YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0**

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

Excused: Kookesh, Moses, Ogan

And so, CSHB 402(FIN) 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 402(FIN) was referred to the Chief Clerk for engrossment.

**SECOND READING OF SENATE BILLS****SB 343**

The following, which had been held to today's calendar (page 2743), was read the second time:

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."

with the:	Journal Page
O&G RPT 3DP 2NR 1AM	2642
FN1: ZERO(DEC)	2642
RES RPT 7DP 1AM	2683
FN1: ZERO(DEC)	2684

Amendment No. 1 was offered by Representatives Kerttula and Croft:

Page 3, line 14, following "purpose of":

Insert "secs. 2 and 4 - 6 of "

Page 4, following line 11:

Insert a new bill section to read:

"\* **Sec. 3.** AS 46.04.030(e), as amended by sec. 2 of this Act, is amended to read:

(e) The department may attach reasonable terms and conditions to its approval or modification of a contingency plan that the department determines are necessary to ensure that the applicant for a contingency plan has access to sufficient resources to protect environmentally sensitive areas and to contain, clean up, and mitigate potential oil discharges from the facility or vessel as provided in (k) of this section, and to ensure that the applicant complies with the contingency plan. If a contingency plan submitted to the department for approval relies on the services of an oil spill primary response action contractor, the department

may not approve the contingency plan unless the primary response action contractor is registered and approved under AS 46.04.035. The contingency plan must provide for the use by the applicant of the best technology that was available at the time the contingency plan was submitted or renewed. The department

**(1)** shall

**(A)** identify the prevention and response technologies that are subject to a best available technology determination;

**(B) determine the best available technology using the following criteria:**

**(i) whether each technology is the best in use in other similar situations and is available for use by the applicant;**

**(ii) whether each technology is transferable to the applicant's operations;**

**(iii) whether there is a reasonable expectation that each technology will provide increased spill prevention or other environmental benefits;**

**(iv) the cost to the applicant of achieving best available technology, including consideration of the cost relative to the remaining years of service of the technology in use by the applicant;**

**(v) the age and condition of the technology in use by the applicant;**

**(vi) whether each technology is compatible with existing operations and technologies in use by the applicant;**

**(vii) the practical feasibility of each technology in terms of engineering and other operational aspects; and**

**(viii) whether other environmental effects of each technology, such as air, land, water pollution, and energy requirements, offset any anticipated environmental benefits; and**

**(2)** [. THE DEPARTMENT MAY FIND THAT ANY TECHNOLOGY MEETING THE RESPONSE PLANNING STANDARDS IN (k) OF THIS SECTION OR A PREVENTION PERFORMANCE STANDARD ESTABLISHED UNDER

AS 46.04.070 IS THE BEST AVAILABLE TECHNOLOGY.  
THE DEPARTMENT] may

**(A)** prepare findings and maintain a list of those technologies that are considered the best available; **and**

**(B)** [. THE DEPARTMENT MAY] require an applicant or holder of an approved contingency plan to take steps necessary to demonstrate the applicant's or holder's ability to carry out the contingency plan, including

**(i)** [(1)] periodic training;

**(ii)** [(2)] response team exercises; and

**(iii)** [(3)] verifying access to inventories of equipment, supplies, and personnel identified as available in the approved contingency plan."

Renumber the following bill sections accordingly.

Page 4, line 17, following "implementing":

Insert "sec. 2 of"

Page 4, line 24:

Delete "this Act"

Insert "this section"

Page 5, line 1:

Delete "This Act takes"

Insert "Sections 1, 2, and 4 - 6 of this Act take"

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

Representative Green objected.

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

CSSB 343(RES)

Second Reading

Amendment No. 1

**YEAS: 9 NAYS: 26 EXCUSED: 3 ABSENT: 2**

Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Halcro, Hudson, Joule, Kerttula

Nays: Bunde, Chenault, Coghill, Dyson, Fate, Foster, Green, Harris, Hayes, James, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Kookesh, Moses, Ogan

Absent: Guess, Kapsner

And so, Amendment No. 1 was not adopted.

Representative James moved and asked unanimous consent that CSSB 343(RES) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSSB 343(RES) will be in third reading on tomorrow's calendar.

**SECOND READING OF HOUSE RESOLUTIONS**

**HCR 26**

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 26

Supporting increased use of the house arrest program/electronic monitoring with sobriety monitoring as a means of preventing crime and reducing the high costs of imprisonment in Alaska.

with the:	Journal Page
STA RPT CS(STA) 7DP	2540
FN1: ZERO(H.STA/LAA)	2540

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

CS FOR HOUSE CONCURRENT RESOLUTION NO. 26(STA)  
(same title)

There being no objection, it was so ordered.

The question being: "Shall CSHCR 26(STA) pass the House?" The roll was taken with the following result:

CSHCR 26(STA)  
Second Reading  
Final Passage

**YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0**

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

Excused: Kookesh, Moses, Ogan

And so, CSHCR 26(STA) 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 - Lucille Qaanaq Wongittilin

By Representatives Foster, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Green, Guess, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kookesh, Kott, Lancaster, Masek, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams

Honoring - Lola E. A. Ferguson

By Representatives Guess, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kookesh, Kott, Lancaster, Masek, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams; Senator Ellis

Honoring - George Harper, Blacks in Alaska History Project

By Representatives Guess, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Green, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Whitaker, Williams; Senator Ellis

Honoring - Al Tamagni, Sr.

By Representatives Meyer, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Green, Guess, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams

Honoring - Jim Palmer

By Representatives Dyson, Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Foster, Green, Guess, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams

Honoring - Nikiski High School Girls' Basketball Team, Class 3A State Champions

By Senators Ward, Leman; Representatives Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Green, Guess, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams

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

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

In Memoriam - Estella E. Eagle

By Representatives Lancaster, Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Foster, Guess, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kott, Masek, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Williams

In Memoriam - James Arthur Messer

By Senator Wilken; Representatives Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Foster, Green, Halcro, Harris, Hudson, James, Kapsner, Kerttula, Kott, Lancaster, Masek, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Stevens, Whitaker, 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 Mulder - from 7:00 p.m., April 17 to 9:00 p.m., plane time, April 21, 2002

Representative Murkowski - from 7:09 a.m., April 12 to 10:04 a.m., plane time, April 15, 2002

### HB 399

The Speaker added a Finance Committee referral to the following:

#### HOUSE BILL NO. 399

"An Act relating to the Uniform Mechanical Code and other safety codes; annulling certain regulations adopted by the Department of Community and Economic Development relating to the mechanical code that applies to certain construction contractors and mechanical administrators; and providing for an effective date."

HB 399 was removed from the Rules Committee and referred to the Finance Committee.



**HCR 26**

Representatives Meyer, Crawford, Rokeberg, James, and Chenault added their names as cosponsors to:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 26(STA)  
Supporting increased use of the house arrest program/electronic monitoring with sobriety monitoring as a means of preventing crime and reducing the high costs of imprisonment in Alaska.

**HJR 45**

Representative Moses added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 45  
Relating to the labeling of salmon food products.

**HB 448**

Representative Berkowitz added his name as cosponsor to:

HOUSE BILL NO. 448  
"An Act relating to establishing a data base of residential telephone customers who do not wish to receive telephone solicitations, providing that the data base be compiled at no cost to the customers, requiring telephone solicitors to purchase the data base, and requiring paid solicitors to register; and providing for an effective date."

**ENGROSSMENT**

**HCR 26**

CSHCR 26(STA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 402**

CSHB 402(FIN) 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      4:30 p.m., 4/2

**ADJOURNMENT**

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 3, 2002. There being no objection, the House adjourned at 11:39 a.m.

Suzi Lowell  
Chief Clerk