

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

April 4, 2002

Eighty-first Day

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

Roll call showed 29 members present. Representatives Joule, McGuire, Ogan, Scalzi, and Stevens had been previously excused from a call of the House today. Representatives Berkowitz, Kookesh, Kott, and Mulder were absent and their presence was noted later.

Representative James moved and asked unanimous consent that Representatives Kapsner and Wilson be excused from a call of the House until 9:35 p.m., plane time, tonight. There being no objection, it was so ordered.

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

Lord, look down with favor on these men and women gathered here. Remind them why they wanted to be here. Enable them all to be good servants of Your people, discerning what is right and having the courage to do so. Amen.

The Pledge of Allegiance was led by Representative Rokeberg.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 80th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Lancaster introduced Erin Gillespie, Guest Page, from Seward.

MESSAGES FROM THE GOVERNOR**HB 291**

A message dated April 3, 2002, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE BILL NO. 291(L&C)

"An Act relating to the requirements for obtaining a residential contractor endorsement."

Chapter No. 7, SLA 2002

Effective Date: July 2, 2002

SB 208

A message dated April 3, 2002, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 208(RES)

"An Act relating to the labeling of, the advertising of, the identification of, and the disclosure of certain information about halibut, salmon, sablefish, halibut products, salmon products, and sablefish products."

Chapter No. 8, SLA 2002

Effective Date: July 2, 2002

MESSAGES FROM THE SENATE

Messages dated April 3, 2002, were read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 180**

CS FOR SENATE BILL NO. 180(FIN)(efd fld) by the Senate Finance Committee, entitled:

"An Act implementing pay differentials based on geographic areas for certain state employees and for members of the Alaska State Defense Force; relating to cost-of-living differentials for state aid to municipalities."

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

SB 220

CS FOR SENATE BILL NO. 220(L&C) by the Senate Labor & Commerce Committee, entitled:

"An Act relating to the scope of practice authorized under a license to practice hairdressing."

was read the first time and referred to the Labor & Commerce Committee.

SB 328

SENATE BILL NO. 328 by Senator Halford by request, entitled:

"An Act requiring that a nonresident big game hunter be accompanied by a big game guide who is providing big game hunting services to the nonresident under a contract with the nonresident or who is employed by a big game guide who has a contract to provide big game hunting services to the nonresident."

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

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

SB 342

CS FOR SENATE BILL NO. 342(HES) by the Senate Health, Education & Social Services Committee, entitled:

"An Act relating to the long term care ombudsman."

was read the first time and referred to the Health, Education & Social Services Committee.

REPORTS OF STANDING COMMITTEES

HJR 47

The Resources Committee has considered:

HOUSE JOINT RESOLUTION NO. 47

Urging the United States Environmental Protection Agency and the Alaska Department of Environmental Conservation to provide maximum possible flexibility in application of low sulfur diesel fuel requirements to Alaska.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 47(RES)

Urging the United States Environmental Protection Agency and the Alaska Department of Environmental Conservation to provide maximum possible flexibility in application of ultra low sulfur diesel fuel requirements to Alaska.

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

Do pass (5): Kerttula, Chenault, Fate, Green, Masek

The following fiscal note(s) apply to CSHJR 47(RES):

1. Zero, House Resources Committee

HJR 47 was referred to the Rules Committee for placement on the calendar.

HB 447

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 447

"An Act relating to the interest rates that may be charged on loans by the Commercial Fishing and Agriculture Bank."

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

Do pass (6): Rokeberg, Meyer, Hayes, Crawford, Halcro, Murkowski

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 447 was referred to the Rules Committee for placement on the calendar.

HB 496

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 496

"An Act providing that a utility or electric operating entity owned and operated by a political subdivision of the state competing directly with a telecommunications utility is not subject to the Alaska Public Utilities Regulatory Act."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 496(L&C)
(same title)

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

Do pass (5): Rokeberg, Meyer, Crawford, Kott, Murkowski

No recommendation (2): Halcro, Hayes

The following fiscal note(s) apply to CSHB 496(L&C):

1. Zero, Dept. of Community & Economic Development

HB 496 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Berkowitz was noted.

HB 504

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 504

"An Act relating to the wages of people working in the fisheries business."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 504(L&C)

"An Act relating to the wages of people working in the fisheries business; and providing for an effective date."

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

Do pass (3): Rokeberg, Meyer, Kott

Do not pass (1): Crawford

No recommendation (2): Halcro, Murkowski

Amend (1): Hayes

The following fiscal note(s) apply to CSHB 504(L&C):

1. Fiscal, Dept. of Labor & Workforce Development

HB 504 was referred to the Rules Committee for placement on the calendar.

HB 507

The Transportation Committee has considered:

HOUSE BILL NO. 507

"An Act naming the Trooper Roelle Memorial Weigh Station and the Officer Wollam Memorial Bike Trail; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 507(TRA)

"An Act naming the Trooper Roelle Memorial Weigh Station, the Officer Justin T. Wollam Memorial Bike Trail, and the Joseph L. Perkins Bridge; and providing for an effective date."

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

Do pass (5): Masek, Wilson, Scalzi, Kapsner, Kohring

The following fiscal note(s) apply to CSHB 507(TRA):

1. Zero, Dept. of Transportation & Public Facilities

HB 507 was referred to the Rules Committee for placement on the calendar.

SCR 28

The Resources Committee has considered:

CS FOR SENATE CONCURRENT RESOLUTION NO.
28(RES)

Establishing the Joint Legislative Salmon Industry Task Force.

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

Do pass (5): Kerttula, Chenault, Fate, Green, Masek

The following fiscal note(s) apply:

1. Fiscal, Legislative Affairs Agency

CSSCR 28(RES) was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

In Memoriam - Trooper Hans Roelle, Alaska State Trooper
By Representative Ogan; Senator Donley

In Memoriam - Celia Hunter
By Representative Davies

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 421

The following was read the second time:

HOUSE BILL NO. 421

"An Act relating to water use and appropriation."

with the:

Journal Page

RES RPT CS(RES) 3DP 2NR	2436
FN1: ZERO(H.RES/DNR)	2652
FN2: (DNR)	2652
FIN RPT CS(RES) 4DP 4NR	2737
FN1: ZERO(H.RES/DNR)	2738
FN2: (DNR)	2738

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. 421(RES)
(same title)

Representative Davies objected and withdrew the objection. There being no further objection, it was so ordered.

**The presence of Representative Kookesh was noted.

Representative James moved and asked unanimous consent that CSHB 421(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 421(RES) was read the third time.

The question being: "Shall CSHB 421(RES) pass the House?" The roll was taken with the following result:

CSHB 421(RES)
Third Reading
Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 7 ABSENT: 1

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

Excused: Joule, Kapsner, McGuire, Ogan, Scalzi, Stevens, Wilson

Absent: Kott

And so, CSHB 421(RES) passed the House.

Representative Berkowitz gave notice of reconsideration of the vote on CSHB 421(RES) and it was taken up later.

HB 455

The following was read the second time:

HOUSE BILL NO. 455

"An Act relating to the assessment of farm or agricultural land for purposes of municipal taxation; and providing for an effective date."

with the:

Journal Page

CRA RPT CS(CRA) NT 5DP

2776

FN1: ZERO(DNR)

2776

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. 455(CRA)

"An Act relating to the assessment of certain agricultural land for purposes of municipal taxation; and providing for an effective date."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 455(CRA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 455(CRA) was read the third time.

The question being: "Shall CSHB 455(CRA) pass the House?" The roll was taken with the following result:

CSHB 455(CRA)

Third Reading

Final Passage

YEAS: 33 NAYS: 0 EXCUSED: 7 ABSENT: 0

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

Excused: Joule, Kapsner, McGuire, Ogan, Scalzi, Stevens, Wilson

And so, CSHB 455(CRA) 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 455(CRA) was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 260

The following was read the second time:

SENATE BILL NO. 260

"An Act relating to historic and antique motor vehicles; and providing for an effective date."

with the:

Journal Page

TRA RPT 4DP

2545

FN1: ZERO(ADM)

2546

Representative James moved and asked unanimous consent that SB 260 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 260 was read the third time.

Representative Cissna was excused from a call of the House because of illness.

The question being: "Shall SB 260 pass the House?" The roll was taken with the following result:

SB 260

Third Reading

Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 8 ABSENT: 0

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

Excused: Cissna, Joule, Kapsner, McGuire, Ogan, Scalzi, Stevens, Wilson

And so, SB 260 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.

Representative Dyson gave notice of reconsideration of the vote on SB 260.

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:

Commemorating - National Be Kind To Animals Week,
May 5 - 11, 2002

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

Honoring - William T. Cotton

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

Honoring - Allen "Sandy" Sanderson

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

Honoring - The Service High Rifle Club

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

Honoring - William Jardel

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

Honoring - East Anchorage High School Girls 2002 Class 4-A State Basketball Champions

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

Honoring - Kevin P. Baker

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

Honoring - Barnard Jacob "Barney" Gottstein

By Senator Davis; Representatives Porter, Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Fate, Guess, Halcro, Harris, Hayes, Hudson, James, Kapsner, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Mulder, Murkowski, Ogan, Rokeberg, Williams, Wilson

In Memoriam - Margaret Dube

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

In Memoriam - David Dolese

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

UNFINISHED BUSINESS

Representative James 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 Berkowitz - from 2:05 p.m., April 5 to 6:26 p.m., plane time, April 6, 2002

HB 504

The Speaker added a Finance Committee referral to the following:

HOUSE BILL NO. 504

"An Act relating to the wages of people working in the fisheries business."

HB 504 was removed from the Rules Committee and referred to the Finance Committee.

RECONSIDERATION**HB 421**

Representative Berkowitz moved and asked unanimous consent that the reconsideration of CSHB 421(RES) (page 2799) be taken up on the same day.

There being no objection, it was so ordered.

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 421(RES)
"An Act relating to water use and appropriation."

A Title Amendment was offered by Representative Berkowitz:

Page 1, line 1:

Delete all material.

Insert **""An Act relating to requiring the Department of Natural Resources to develop and maintain a standardized procedure for processing applications and issuing permits, authorizations, and certifications under the Alaska Water Use Act and to make a record of those items and amendments and orders affecting them available on the Internet.""**

Representative Berkowitz moved and asked unanimous consent that the Title Amendment be adopted.

Objection was heard and withdrawn. There being no further objection, it was so ordered and the new title follows:

CS FOR HOUSE BILL NO. 421(RES)(title am)
"An Act relating to requiring the Department of Natural Resources to develop and maintain a standardized procedure for processing applications and issuing permits, authorizations, and certifications under the Alaska Water Use Act and to make a record of those items and amendments and orders affecting them available on the Internet."

The question to be reconsidered: "Shall CSHB 421(RES)(title am) pass the House?" The roll was taken with the following result:

CSHB 421(RES)(title am)--RECONSIDERATION

Third Reading

Final Passage

YEAS: 31 NAYS: 0 EXCUSED: 8 ABSENT: 1

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

Excused: Cissna, Joule, Kapsner, McGuire, Ogan, Scalzi, Stevens, Wilson

Absent: Moses

And so, CSHB 421(RES)(title am) passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

HB 252

Representatives Foster and Whitaker added their names as cosponsors to:

HOUSE BILL NO. 252

"An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; and providing for an effective date."

HB 409

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 409

"An Act rejecting the use of daylight saving time."

HB 448

Representative Lancaster removed 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."

HB 455

Representative James added her name as cosponsor to:

CS FOR HOUSE BILL NO. 455(CRA)

"An Act relating to the assessment of certain agricultural land for purposes of municipal taxation; and providing for an effective date."

SCR 28

Representative Kerttula added her name as cross sponsor to:

CS FOR SENATE CONCURRENT RESOLUTION NO. 28(RES)

Establishing the Joint Legislative Salmon Industry Task Force.

SB 260

Representative Dyson added his name as cross sponsor to:

SENATE BILL NO. 260

"An Act relating to historic and antique motor vehicles; and providing for an effective date."

SB 343

Reconsideration of the following was not taken up on this legislative day. It was signed by the Speaker and Chief Clerk and returned to the Senate:

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."

ENGROSSMENT

HB 421

CSHB 421(RES)(title am) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 455

CSHB 455(CRA) 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.

The following meeting today has been changed as indicated:

Health, Education & Social Services Committee
CANCELED:

3:00 p.m., 4/4

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 5, 2002. There being no objection, the House adjourned at 10:54 a.m.

Suzi Lowell
Chief Clerk