

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

April 16, 2002

Ninety-third Day

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

Roll call showed 29 members present. Representatives Kookesh, Morgan, Moses, and Ogan had been previously excused from a call of the House today. Representative Masek was excused from a call of the House today because of illness. Representatives Crawford, Croft, Guess, Kerttula, Mulder, and Whitaker were absent and their presence was noted later.

The invocation was offered by the Reverend Greg Lindsay of Northern Light United Church. Representative Hudson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

God of love and peace, we admit that even our silence this morning is noisy. Our minds are filled with to-do lists, our thoughts are focused on last-minute conversations and our spirits are pushed to the edge with fatigue and busyness. How hard it is to be still in Your presence for just one minute.

God, Who loves each one of us, bring us into Your presence. Silence the noise in our hearts to allow us to respond not to the loudest voice but to the greatest need.

O God, touch us at our point of need. Refashion our days and hours to serve the people with energy, imagination, and enthusiasm. Help us live each day with an attitude of thanks for all that You give us to do. Amen.

The Pledge of Allegiance was led by Representative Stevens.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 92nd legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Harris introduced Evan Manly, Guest Page, from Juneau.

MESSAGES FROM THE SENATE

SB 291

A message dated April 15, 2002, was read stating the Senate has failed to concur in the House amendment to CSSB 291(RLS), namely:

HOUSE CS FOR CS FOR SENATE BILL NO. 291(FIN) am H
"An Act making supplemental and other appropriations; amending appropriations; and providing for an effective date."

and respectfully requests the House to recede from its amendment.

In the event the House fails to recede, the President appointed the following members to a Conference Committee to meet with the like committee from the House to consider the bills:

Senator Donley, Chair
Senator Wilken
Senator Hoffman

Representative James moved that the House recede from its amendment to CSSB 291(RLS), namely HCS CSSB 291(FIN) am H, and recommended that the members vote no.

**The presence of Representatives Crawford, Guess, and Kerttula was noted.

The question being: "Shall the House recede from its amendment to CSSB 291(RLS)?" The roll was taken with the following result:

HCS CSSB 291(FIN) am H
Recede

YEAS: 0 NAYS: 32 EXCUSED: 5 ABSENT: 3

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

Excused: Kookesh, Masek, Morgan, Moses, Ogan

Absent: Croft, Mulder, Whitaker

And so, the House failed to recede.

The Speaker appointed the following members to a Conference Committee to meet with the like committee from the Senate to consider the above bills:

Representative Mulder
Representative Williams
Representative Croft

The Chief Clerk was instructed to so notify the Senate.

REPORTS OF STANDING COMMITTEES

The State Affairs Committee has reviewed the qualifications of:

Colonel Gene Ramsay
Alaska Air National Guard - Brigadier General

and recommends the following:

Confirm (6): Fate, James, Stevens, Crawford, Wilson, Coghill

Colonel Jim Welch
Space and Missile Defense - Brigadier General

and recommends the following:

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

The reports were signed by Representative Coghill, Chair.

HB 252

The Finance Committee has considered:

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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 252(FIN)

"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; relating to liability for failure to meet certain statutory time deadlines; relating to intensive family preservation services; and providing for an effective date."

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

Do pass (6): Whitaker, Harris, Hudson, Foster, Mulder, Williams

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

The following fiscal note(s) apply to CSHB 252(FIN):

1. Fiscal, Dept. of Health & Social Services

HB 252 was referred to the Rules Committee for placement on the calendar.

HB 302

The Resources Committee has considered:

HOUSE BILL NO. 302

"An Act establishing the Alaska Gas Corporation, a public corporation, and providing for its structure, management, responsibilities, and operation, and requiring the development of a project plan to evaluate whether construction and operation of a natural gas transmission pipeline project by the corporation is feasible."

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

Do pass (6): Fate, Chenault, Kerttula, Kapsner, Masek, Scalzi

No recommendation (2): Stevens, Green

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 302 was referred to the Finance Committee.

HB 319

The Judiciary Committee has considered:

HOUSE BILL NO. 319

"An Act relating to civil liability for commercial recreational activities; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 319(JUD)

"An Act relating to civil liability for commercial recreational activities and for guest passengers on an aircraft or watercraft; and providing for an effective date."

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

Do pass (3): Meyer, James, Rokeberg

Do not pass (1): Berkowitz

No recommendation (2): Coghill, Kookesh

The following fiscal note(s) apply to CSHB 319(JUD):

1. Zero, Alaska Court System

HB 319 was referred to the Rules Committee for placement on the calendar.

HB 370

The State Affairs Committee has considered:

HOUSE BILL NO. 370

"An Act relating to the issuance of state-guaranteed revenue bonds by the Alaska Housing Finance Corporation to finance mortgages for qualifying veterans; and providing for an effective date."

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

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

Amend (1): Wilson

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue
2. Fiscal, Office of the Governor

HB 370 was referred to the Finance Committee.

HB 407

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 407

"An Act relating to the certificate of need program."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 407(HES)

"An Act relating to the certificate of need program; relating to comprehensive health planning; and providing for an effective date."

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

Do pass (2): Coghill, Wilson

No recommendation (3): Cissna, Joule, Dyson

Amend (2): Kohring, Stevens

The following fiscal note(s) apply to CSHB 407(HES):

2. Fiscal, Dept. of Health & Social Services
3. Zero, House Health, Education & Social Services Committee/Dept. of Health & Social Services

HB 407 was referred to the Rules Committee for placement on the calendar.

HB 458

The State Affairs Committee has considered:

HOUSE BILL NO. 458

"An Act relating to periods of probation for state employees; and providing for an effective date."

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:

1. Zero, Dept. of Administration/All Depts.

HB 458 was referred to the Rules Committee for placement on the calendar.

HB 504

The Finance 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(FIN)
(same title)

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

Do pass (5): Bunde, Hudson, Foster, Mulder, Williams

Do not pass (3): Whitaker, Croft, Harris

No recommendation (1): Lancaster

The following fiscal note(s) apply to CSHB 504(FIN):

2. Zero, House Finance Committee/Dept. of Labor & Workforce Development

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

**The presence of Representative Mulder was noted.

HB 508

The Rules Committee has considered:

HOUSE BILL NO. 508

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 508(RLS)

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

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

Do pass (3): Joule, Porter, Kott

No recommendation (2): Berkowitz, Kohring

The following fiscal note(s) apply to CSHB 508(RLS):

1. Zero, Dept. of Environmental Conservation

HB 508 was returned to the Rules Committee for placement on the calendar.

HB 509

The Finance Committee has considered:

HOUSE BILL NO. 509

"An Act relating to Alaska children's trust registration plates; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 509(STA)

(same title)

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

Do pass (8): Bunde, Whitaker, Harris, Davies, Lancaster, Hudson, Foster, Williams

The following fiscal note(s) apply to CSHB 509(STA):

2. Fiscal, Dept. of Administration

HB 509 was referred to the Rules Committee for placement on the calendar.

HB 515

The Finance Committee has considered:

HOUSE BILL NO. 515

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 515(FIN)
(same title)

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

Do pass (6): Lancaster, Bunde, Whitaker, Harris, Foster, Mulder

No recommendation (1): Hudson

Amend (2): Croft, Davies

The following fiscal note(s) apply to CSHB 515(FIN):

1. Zero, House Finance Committee/All Depts.

HB 515 was referred to the Rules Committee for placement on the calendar.

SCR 28

The Finance Committee has considered:

CS FOR SENATE CONCURRENT RESOLUTION NO.
28(RES)
Establishing the Joint Legislative Salmon Industry Task Force.

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE CONCURRENT
RESOLUTION NO. 28(FIN)
(same title)

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

Do pass (9): Whitaker, Harris, Croft, Davies, Lancaster, Hudson, Foster, Mulder, Williams

The following fiscal note(s) apply to HCS CSSCR 28(FIN):

2. Fiscal, Legislative Affairs Agency

CSSCR 28(RES) was referred to the Rules Committee for placement on the calendar.

SJR 37

The State Affairs Committee has considered:

SENATE JOINT RESOLUTION NO. 37
Proposing an amendment to the Constitution of the State of Alaska relating to officers and employees of the executive branch.

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

Do pass (2): Wilson, Stevens

Do not pass (2): Crawford, Hayes

No recommendation (3): James, Fate, Coghill

The following fiscal note(s) apply:

1. Fiscal, Office of the Governor

SJR 37 was referred to the Judiciary Committee.

SB 180

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 180(FIN)(efd fld)

"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."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 180(STA)
(same title)

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

Do pass (1): Coghill

No recommendation (1): Hayes

Amend (3): Wilson, Crawford, James

The following fiscal note(s) apply to HCS CSSB 180(STA):

3. Fiscal, Dept. of Administration/All Depts.

4. Fiscal, Alaska Court System

CSSB 180(FIN)(efd fld) was referred to the Finance Committee.

SB 269

The Rules Committee has considered:

SENATE BILL NO. 269

"An Act naming bridge number 1121, across the Knik River, the Sergeant James Bondsteel Bridge of Honor; and providing for an effective date."

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

Do pass (4): Berkowitz, Joule, Porter, Kott

The following fiscal note(s) apply:

1. Zero, Dept. of Transportation & Public Facilities

SB 269 was returned to the Rules Committee for placement on the calendar.

SB 308

The Resources Committee has considered:

CS FOR SENATE BILL NO. 308(FIN)

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

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

Do pass (5): Stevens, McGuire, Fate, Masek, Scalzi

No recommendation (2): Green, Chenault

Amend (2): Kerttula, Kapsner

The following fiscal note(s) apply:

1. Zero, Office of the Governor

CSSB 308(FIN) was referred to the Rules Committee for placement on the calendar.

SB 328

The Resources Committee has considered:

SENATE BILL NO. 328

"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."

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

Do pass (9): Stevens, Green, McGuire, Fate, Chenault, Kerttula, Kapsner, Masek, Scalzi

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety
2. Zero, Dept. of Community & Economic Development

SB 328 was referred to the Rules Committee for placement on the calendar.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 519**

HOUSE BILL NO. 519 by the House Rules Committee, entitled:

"An Act authorizing priority treatment under the Right-of-Way Leasing Act for an Alaska North Slope natural gas project; expanding the scope for the kinds of gas development projects that may become qualified projects under the Alaska Stranded Gas Development Act; extending the deadline for submitting applications under the Alaska Stranded Gas Development Act;

exempting an Alaska North Slope natural gas project from state property tax and all municipal taxes during construction; 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 520

HOUSE BILL NO. 520 by the House Labor & Commerce Committee, entitled:

"An Act relating to business licenses, business license endorsements, and business license and license endorsement fees, to a trade and business development fund, and to the international trade and business endowment; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 208

The following was read the second time:

HOUSE BILL NO. 208

"An Act relating to aquatic farming of shellfish; and providing for an effective date."

with the:

Journal Page

FSH RPT CS(FSH) 2DP 3AM	2484
FN1: ZERO(DEC)	2484
FN2: (DNR)	2484
RES RPT CS(RES) 6DP	2515
FN1: ZERO(DEC)	2516
FN2: (DNR)	2516
FN3: (DFG); FN4: (DFG)	2516

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FIN RPT CS(RES) 7DP	2772
FN2: (DNR)	2773
FN3: (DFG); FN4: (DFG)	2773

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. 208(RES)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 208(RES) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSHB 208(RES) will be in third reading on tomorrow's calendar.

HB 373

The following was read the second time:

HOUSE BILL NO. 373
"An Act relating to marijuana and controlled substances and forfeitures related to controlled substances."

with the:	Journal Page
JUD RPT CS(JUD) 2DP 1NR 1AM	2680
FN1: ZERO(LAW)	2681
FN2: ZERO(DPS)	2681

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. 373(JUD)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 373(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSHB 373(JUD) will be in third reading on tomorrow's calendar.

HB 501

The following was read the second time:

HOUSE BILL NO. 501

"An Act relating to the use of unclaimed property to pay court-ordered restitution; and providing for an effective date."

with the:	Journal Page
JUD RPT 3DP 3NR	2578
FN1: ZERO(LAW)	2579
FN2: ZERO(REV)	2579

Representative James moved and asked unanimous consent that HB 501 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 501 was read the third time.

**The presence of Representative Whitaker was noted.

The question being: "Shall HB 501 pass the House?" The roll was taken with the following result:

HB 501
Third Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1

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

Excused: Kookesh, Masek, Morgan, Moses, Ogan

Absent: Croft

And so, HB 501 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 501 was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 474

The following, which was advanced to third reading from the April 15, 2002, calendar (page 2928), was read the third time:

CS FOR HOUSE BILL NO. 474(CRA)

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

**The presence of Representative Croft was noted.

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

The Speaker stated that, without objection, CSHB 474(CRA) will be held in third reading to tomorrow's calendar.

SECOND READING OF HOUSE RESOLUTIONS**HCR 27**

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 27

Relating to urging the Local Boundary Commission to adopt standards and procedures to enable the commission to return a petition for a local boundary change to the petitioner when the commission determines the petition is substantively deficient or in need of substantial amendment or supplementation.

with the:	Journal Page
CRA RPT 6DP	2398
FN1: ZERO(H.CRA)	2398

Amendment No. 1 was offered by Representative Scalzi:

Page 1, line 3 (title amendment):

Delete "**or**"
Insert " , "

Page 1, line 4, following "**supplementation**" (title amendment):

Insert " , **or the procedure used in preparing the petition was deficient**"

Page 2, line 7, following "return":

Insert "petitions if the procedures used in preparing them were deficient or"

Page 2, line 14, following "provisions":

Insert " , or the procedure used in preparing the petition was deficient"

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

HOUSE CONCURRENT RESOLUTION NO. 27 am

Relating to urging the Local Boundary Commission to adopt standards and procedures to enable the commission to return a petition for a local boundary change to the petitioner when the commission determines the petition is substantively deficient, in need of substantial amendment or supplementation, or the procedure used in preparing the petition was deficient.

The question being: "Shall HCR 27 am pass the House?" The roll was taken with the following result:

HCR 27 am
Second Reading
Final Passage

YEAS: 29 NAYS: 0 EXCUSED: 5 ABSENT: 6

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

Excused: Kookesh, Masek, Morgan, Moses, Ogan

Absent: Berkowitz, Cissna, Guess, Halcro, Kerttula, Meyer

And so, HCR 27 am passed the House and was referred to the Chief Clerk for engrossment.

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 Kapsner - from 6:00 a.m. to 6:35 p.m., plane time, April 20, 2002

Representative Murkowski - from 10:30 a.m. to noon, May 6, 2002

HB 407

The Speaker added a Finance Committee referral for the following:

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 17, 2002. There being no objection, the House adjourned at 11:31 a.m.

Suzi Lowell
Chief Clerk