

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

April 19, 2002

#### Ninety-sixth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:04 a.m.

Roll call showed 36 members present. Representatives Mulder and Ogan had been previously excused from a call of the House today. Representatives Croft and Joule were absent and their presence was noted later.

The invocation was offered by the Reverend Ken Gable of King's Chapel, Wasilla. 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 Lord is a great God, the great King above all gods. In His hand are the depths of the earth and the mountain peaks belong to Him. The sea is His for He made it, and His hands formed the dry land." from Psalm 95

Father, we come to You this morning acknowledging that You have made this great land of Alaska and we have the great opportunity to live in it because You have allowed us to be here, God. We could have been many other places. So, we thank You for the blessing of Alaska. I ask You that today as these men and women are used by You in stewardship over the land and the peoples of this state, that You would give them divine wisdom and strength. And, Father, You would lead them as they make decisions that affect the resources and the people of this land. Thank You for the people, the greatest resource that we have, and the vastness of the nature and the diversity of the people and cultures that are here.

You've been good to us, Lord, and I thank You, God, that You're going to move upon all that is done today and that we are going to see Your hand move in this state. And so, Lord, I bless these people. I thank You for them. Strengthen them right now. In Jesus' Name. Amen.

The Pledge of Allegiance was led by Representative Hayes.

### **CERTIFICATION OF THE JOURNAL**

Representative James moved and asked unanimous consent that the journal for the 95th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE SENATE**

#### **SB 291**

A message dated April 18, 2002, was read stating the President has granted limited powers of free conference to the Senate members of the Conference Committee considering:

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

CS FOR SENATE BILL NO. 291(RLS)  
(same title)

on the following specific point(s):

Section 9

The Speaker had previously granted the limited powers of free conference as requested (page 3003).

A message dated April 18, 2002, was read stating the Senate has adopted the Conference Committee with limited powers of free conference report on HCS CSSB 291(FIN) am H and CSSB 291(RLS), thus adopting:

CONFERENCE CS FOR SENATE BILL NO. 291  
"An Act making supplemental and other appropriations; amending appropriations; and providing for an effective date."

The House has adopted CCS SB 291 (page 3005).

A message dated April 18, 2002, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS**

**SB 100**  
CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO.  
100(RLS)(title am) by the Senate Rules Committee, entitled:

"An Act relating to regulation and operation of personal motor vehicles."

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

**COMMUNICATIONS**

A memorandum dated April 17, 2002, was received from Suzi Lowell, Chief Clerk, stating that during her absence from April 22 - May 5, 2002, she designates Londi Ensor as Acting Chief Clerk with signing authority for all documentation, and designates Solyra Sepulveda, Assistant Chief Clerk, to certify the House Journal. A copy of the memorandum is on file in the Chief Clerk's office.

The following were received:

Dept. of Fish & Game  
Division of Commercial Fisheries  
Alaska Salmon Enhancement Program  
2001 Annual Report  
March 2002  
(as required by AS 16.05.092)

Dept. of Health & Social Services  
Division of Juvenile Justice  
Analysis of Minority Youth Representation  
March 2002

**REPORTS OF STANDING COMMITTEES**

**HB 364**

The State Affairs Committee has considered:

HOUSE BILL NO. 364

"An Act relating to capital projects for deferred maintenance, replacement, modification, and expansion of state facilities; relating to leases to secure financing for those projects; relating to the issuance of certificates of participation to finance those projects for certain capital facilities owned by the state; giving notice of and approving the entry into, and the issuance of certificates of participation in, lease-financing agreements for those projects; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 364(STA)  
(same title)

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

Do pass (4): Wilson, Crawford, Stevens, James

No recommendation (2): Fate, Coghill

The following fiscal note(s) apply to CSHB 364(STA):

1. Fiscal, Dept. of Revenue

HB 364 was referred to the Finance Committee.

**SB 176**

The Rules Committee has considered:

HOUSE CS FOR CS FOR SENATE BILL NO. 176(JUD) am  
H(efd add H)

"An Act prohibiting certain coercive activity by distributors; relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and exempting from the provisions of the Act franchises regulated by the federal Petroleum Marketing Practices Act, situations regulated by the Alaska Gasoline Products Leasing Act, distributorship agreements relating to motor vehicles required to be registered under AS 28.10, and certain manufacturers; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 176(RLS)

"An Act prohibiting certain coercive activity by distributors; relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and making exemptions that relate to the federal Petroleum Marketing Practices Act, situations regulated by the Alaska Gasoline Products Leasing Act, distributorship agreements relating to motor vehicles required to be registered under AS 28.10, activities and agreements by persons licensed under AS 04, contracts between persons licensed under AS 04 and out-of-state persons in the alcoholic beverage industry, distributorship agreements involving cigarettes, food, drink, or components of food or drink, manufacturers with 50 or fewer employees, suppliers, manufacturers, importers, and wholesalers of alcoholic beverages."

(HCR 19 - title change resolution)

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

Do pass (2): McGuire, Porter

No recommendation (3): Kohring, Kott, Berkowitz

The following fiscal note(s) apply to HCS CSSB 176(RLS):

2. Zero, Dept. of Community & Economic Development

HCS CSSB 176(JUD) am H(efd add H) is on today's calendar.

### REPORTS OF SPECIAL COMMITTEES

#### **HB 324**

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE BILL NO. 324

"An Act making supplemental and other appropriations for homeland security; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 324(MLV)

(same title)

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

Do pass (2): Green, Chenault

No recommendation (2): Murkowski, Kott

A House Special Committee on Military & Veterans' Affairs letter of intent for CSHB 324(MLV), signed by Representative Chenault, Chair, follows:

"The intent of Committee Substitute for House Bill 324 'An Act making supplemental and other appropriations for homeland security; and providing for an effective date.' is as follows:

It should be clear that appropriations as outlined in the above referenced bill be spent only in the manner as the Terrorism Disaster Policy Cabinet recommended in their report dated 1-14-02 delivered with the bill at the time of filing.

Should it become necessary for a court of law to determine allocations this is the standard to which each department should be held."

HB 324 was referred to the State Affairs Committee.

**HB 325**

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE BILL NO. 325

"An Act relating to civil defense and disasters; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 325(MLV)

"An Act relating to the emergency and disaster powers of the governor and to disasters, including enemy or terrorist attack, an outbreak of disease, or the threat of them; and providing for an effective date."

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

Do pass (4): Kott, Green, Murkowski, Chenault

The following fiscal note(s) apply to CSHB 325(MLV):

1. Zero, Dept. of Health & Social Services
2. Zero, Dept. of Military & Veterans' Affairs

HB 325 was referred to the State Affairs Committee.

### INTRODUCTION OF CITATIONS

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

Honoring - Harold S. Newcomb, 50 Years of Service to Wasilla  
By Representative Kohring

Honoring - Jenny Dawson  
By Representative Green

Honoring - Alaska Air National Guard Golden Anniversary  
By Representatives Chenault, Masek, Murkowski, Kott, Green,  
Cissna, Hayes

In Memoriam - The Reverend James F. Kelley  
By Senators Halford, Hoffman; Representative Kapsner

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

#### **HB 523**

HOUSE BILL NO. 523 by the House Community & Regional Affairs Committee, entitled:

"An Act naming the state airport at Dutch Harbor the Charles Thomas Madsen, Sr., Airport."

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

### CONSIDERATION OF THE DAILY CALENDAR

#### SECOND READING OF HOUSE BILLS

#### **HB 300**

The following, which had been held from the April 18, 2002, calendar (page 3018), was read the second time:



HOUSE BILL NO. 300

"An Act relating to the procurement of certain travel services."

with the:	Journal Page
STA RPT 5DP	2360
FN1: INDETERMINATE(ADM/ALL DEPTS)	2360
FIN RPT 6DP 1DNP 2NR	2903
FN1: INDETERMINATE(ADM/ALL DEPTS)	2903

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

Representative James moved and asked unanimous consent that HB 300 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 300 was read the third time.

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

The question being: "Shall HB 300 pass the House?" The roll was taken with the following result:

HB 300  
 Third Reading  
 Final Passage

**YEAS: 36 NAYS: 1 EXCUSED: 2 ABSENT: 1**

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

Nays: Bunde

Excused: Mulder, Ogan

Absent: Moses

And so, HB 300 passed the House and was referred to the Chief Clerk for engrossment.

**HB 393**

The following was read the second time:

HOUSE BILL NO. 393

"An Act relating to unfair and deceptive trade practices and to the sale of business opportunities; amending Rules 4 and 73, Alaska Rules of Civil Procedure; and providing for an effective date."

with the:	Journal Page
L&C RPT 2DP 5NR	2435
FN1: INDETERMINATE(LAW)	2435
JUD RPT CS(JUD) 1DP 3NR	2831
FN1: INDETERMINATE(LAW)	2831
FIN RPT CS(JUD) 10DP	2969
FN1: INDETERMINATE(LAW)	2969

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. 393(JUD)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Davies and Bunde:

Page 13, line 5, following "\$250":

Insert ", except that this exemption does not apply if the aggregate amount of the sales or offers to sell the business opportunity that are made in a one-year period by the seller or offeror of the business opportunity, or by the agent of the seller or offeror, exceeds \$10,000"

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

Objection was heard.

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

Following "opportunity that"

Delete "are"

Insert "were"

Following "made in"

Delete "a"

Insert "the previous"

Following "agent of the seller or offeror,"

Delete "exceeds"

Insert "exceeded"

Representative Stevens moved and asked unanimous consent that Amendment to Amendment No. 1 be adopted. There being no objection, it was so ordered.

There being no further objection, Amendment No. 1 as amended was adopted.

Representative James moved and asked unanimous consent that CSHB 393(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 393(JUD) am was read the third time.

The question being: "Shall CSHB 393(JUD) am pass the House?"  
The roll was taken with the following result:

CSHB 393(JUD) am

Third Reading

Final Passage

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

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

Nays: Kohring

Excused: Mulder, Ogan

And so, CSHB 393(JUD) am 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 court rule changes. There being no objection, it was so ordered.

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 393(JUD) am was referred to the Chief Clerk for engrossment.

### **SENATE BILLS IN SECOND READING**

#### **SB 176**

The following, which was held in second reading (page 1652) and returned to the Rules Committee (page 1713), was again before the House in second reading:

HOUSE CS FOR CS FOR SENATE BILL NO. 176(JUD) am  
H(efd add H)

"An Act prohibiting certain coercive activity by distributors; relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and exempting from the provisions of the Act franchises regulated by the federal Petroleum Marketing Practices Act, situations regulated by the Alaska Gasoline Products Leasing Act, distributorship agreements relating to motor vehicles required to be registered under AS 28.10, and certain manufacturers; and providing for an effective date."

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3035

with the:

Journal Page

RLS RPT HCS(RLS) NT 2DP 3NR

3027

FN2: ZERO(CED)

3028

Representative James moved and asked unanimous consent that the House rescind previous action in adopting Amendment No. 1, Amendment No. 2, and HCS CSSB 176(JUD) am H(efd add H).

There being no objection, it was so ordered and the following was again before the House in second reading:

CS FOR SENATE BILL NO. 176(L&C) am

"An Act prohibiting certain coercive activity by distributors; relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and exempting from the provisions of the Act franchises regulated by the federal Petroleum Marketing Practices Act, situations regulated by the Alaska gasoline products leasing act, and distributorship agreements relating to motor vehicles required to be registered under AS 28.10."

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

HOUSE CS FOR CS FOR SENATE BILL NO. 176(RLS)

"An Act prohibiting certain coercive activity by distributors; relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and making exemptions that relate to the federal Petroleum Marketing Practices Act, situations regulated by the Alaska Gasoline Products Leasing Act, distributorship agreements relating to motor vehicles required to be registered under AS 28.10, activities and agreements by

persons licensed under AS 04, contracts between persons licensed under AS 04 and out-of-state persons in the alcoholic beverage industry, distributorship agreements involving cigarettes, food, drink, or components of food or drink, manufacturers with 50 or fewer employees, suppliers, manufacturers, importers, and wholesalers of alcoholic beverages."

(HCR 19 - title change resolution)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that HCS CSSB 176(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 176(RLS) was read the third time.

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 question being: "Shall HCS CSSB 176(RLS) pass the House?"  
The roll was taken with the following result:

HCS CSSB 176(RLS)  
Third Reading  
Final Passage

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

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

Nays: Kohring

Excused: Mulder, Ogan

And so, HCS CSSB 176(RLS) passed the House and was referred to the Chief Clerk for engrossment.

### THIRD READING OF HOUSE BILLS

#### HB 319

The following, which was advanced to third reading from the April 18, 2002, calendar (page 3010), was read the third time:

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."

Representatives Dyson, Bunde, Harris, and Fate moved and asked unanimous consent that they be allowed to abstain from voting due to a conflict of interest. Objection was heard, and the members were required to vote.

The question being: "Shall CSHB 319(JUD) pass the House?" The roll was taken with the following result:

CSHB 319(JUD)

Third Reading

Final Passage

**YEAS: 26 NAYS: 12 EXCUSED: 2 ABSENT: 0**

Yeas: Bunde, Chenault, Coghill, Dyson, Fate, Foster, Green, Halcro, Harris, Hudson, James, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Davies, Guess, Hayes, Joule, Kapsner, Kerttula, Kookesh, Murkowski

Excused: Mulder, Ogan

And so, CSHB 319(JUD) passed the House.

Representative James moved that the effective date clause be adopted.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSHB 319(JUD)

Third Reading

Effective Date

**YEAS: 30 NAYS: 8 EXCUSED: 2 ABSENT: 0**

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

Nays: Berkowitz, Cissna, Crawford, Croft, Davies, Kerttula, Kookesh, Moses

Excused: Mulder, Ogan

And so, the effective date clause was adopted.

Representative Berkowitz gave notice of reconsideration of the vote on CSHB 319(JUD).

**HB 408**

The following, which was advanced to third reading from the April 18, 2002, calendar (page 3010), was read the third time:

CS FOR HOUSE BILL NO. 408(HES)

"An Act relating to questionnaires and surveys administered in the public schools."

Representative Bunde placed a call of the House.

Representative Guess declared a conflict of interest.

The call was satisfied.

The question being: "Shall CSHB 408(HES) pass the House?" The roll was taken with the following result:



CSHB 408(HES)

Third Reading

Final Passage

**YEAS: 30 NAYS: 8 EXCUSED: 2 ABSENT: 0**

Yeas: Berkowitz, Bunde, Chenault, Cissna, Crawford, Davies, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, Joule, Kapsner, Kerttula, Kookesh, Kott, Lancaster, McGuire, Meyer, Morgan, Moses, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Williams, Wilson

Nays: Coghill, Croft, Dyson, Fate, James, Kohring, Masek, Whitaker

Excused: Mulder, Ogan

And so, CSHB 408(HES) passed the House and was referred to the Chief Clerk for engrossment.

## SECOND READING OF HOUSE RESOLUTIONS

### HJR 47

The following was read the second time:

#### 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.

with the:

Journal Page

RES RPT CS(RES) NT 5DP	2794
FN1: ZERO(H.RES)	2794
RLS RPT CS(RLS) NT 5DP	2998
FN2: ZERO(H.RLS/ALL DEPTS)	2998

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. 47(RLS)

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.

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHJR 47(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 47(RLS) was read the third time.

The question being: "Shall CSHJR 47(RLS) pass the House?" The roll was taken with the following result:

CSHJR 47(RLS)

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, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Mulder, Ogan

Absent: Halcro

And so, CSHJR 47(RLS) passed the House and was referred to the Chief Clerk for engrossment.

### HOUSE RESOLUTIONS IN SECOND READING

#### HCR 19

The following, which was held in second reading (page 1652) and returned to the Rules Committee (page 1724), was again before the House:

## HOUSE CONCURRENT RESOLUTION NO. 19

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 176; prohibiting certain coercive activity by distributors, relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and exempting from the provisions of the Act franchises regulated by the federal Petroleum Marketing Practices Act, situations regulated by the Alaska Gasoline Products Leasing Act, and distributorship agreements relating to motor vehicles required to be registered under AS 28.10.

The question being: "Shall HCR 19 pass the House?" The roll was taken with the following result:

HCR 19

Second Reading

Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 2 ABSENT: 4**

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

Excused: Mulder, Ogan

Absent: Crawford, Fate, Green, Joule

And so, HCR 19 passed the House and was referred to the Chief Clerk for engrossment.

**SECOND READING OF SENATE RESOLUTIONS****SCR 28**

The following was read the second time:

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

with the:	Journal Page
RES RPT 5DP	2797
FN1: (LAA)	2798
FIN RPT HCS(FIN) 9DP	2949
FN2: (LAA)	2949

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

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

There being no objection, it was so ordered.

The question being: "Shall HCS CSSCR 28(FIN) pass the House?"  
The roll was taken with the following result:

HCS CSSCR 28(FIN)  
Second Reading  
Final Passage

**YEAS: 36 NAYS: 1 EXCUSED: 2 ABSENT: 1**

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

Nays: Kohring

Excused: Mulder, Ogan

Absent: Bunde

And so, HCS CSSCR 28(FIN) passed the House and was referred to the Chief Clerk for engrossment.

**SCR 32**

The following was read the second time:

## SENATE CONCURRENT RESOLUTION NO. 32

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 390, relating to the Alaska Seafood Marketing Institute and the salmon marketing tax.

The Speaker stated that, without objection, the House would advance to Unfinished Business.

**CONCUR IN SENATE AMENDMENTS****HB 390**

Representative James moved and asked unanimous consent that the House consider the Senate message (page 2995) on the following at this time:

## 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."

and

## SENATE CS FOR HOUSE BILL NO. 390(RLS)

"An Act delaying the repeal 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."

(SCR 32- title change resolution)

There being no objection, it was so ordered.

Representative James moved that the House concur in the Senate amendment to HB 390, thus adopting SCS HB 390(RLS).

The question being: "Shall the House concur in the Senate amendment to HB 390?" The roll was taken with the following result:

SCS HB 390(RLS)

Concur

**YEAS: 0 NAYS: 34 EXCUSED: 2 ABSENT: 4**

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

Excused: Mulder, Ogan

Absent: Bunde, Chenault, Cissna, Masek

And so, the House failed to concur in the Senate amendment, thus failing to adopt SCS HB 390(RLS).

The Chief Clerk was instructed to so notify the Senate and respectfully request it to recede.

In the event the Senate fails to recede from its amendment, 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 McGuire, Chair  
Representative Scalzi  
Representative Kerttula

**SECOND READING OF SENATE RESOLUTIONS**  
(continued)

**SCR 32**

The following, which had been read a second time (page 3042) was returned to the Rules Committee:

## SENATE CONCURRENT RESOLUTION NO. 32

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 390, relating to the Alaska Seafood Marketing Institute and the salmon marketing tax.

**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 - 4-H Program 100th Anniversary

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

## Honoring - Bartlett High School Boys State 4A Basketball Champions

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

## Honoring - Shiloh Missionary Baptist Church 50th Anniversary

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

In Memoriam - James "Qugpuk" Guy, Sr.

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

In Memoriam - William "Bill" Thompson

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

### RECONSIDERATION

#### HB 504

Representative Davies brought up reconsideration of the vote on CSHB 504(FIN) am (page 3015).

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 504(FIN) am

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

Representative Davies moved and asked unanimous consent that the House adopt a new fiscal note from the Dept. of Labor & Workforce Development.

Representative Williams objected.

The question being: "Shall the House adopt the new fiscal note?" The roll was taken with the following result:

CSHB 504(FIN) am--RECONSIDERATION

Adopt New Fiscal Note

**YEAS: 12 NAYS: 25 EXCUSED: 2 ABSENT: 1**



Yeas: Berkowitz, Cissna, Crawford, Croft, Davies, Guess, Hayes, Joule, Kapsner, Kerttula, Kookesh, Moses

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

Excused: Mulder, Ogan

Absent: Bunde

And so, the motion failed.

The question to be reconsidered: "Shall CSHB 504(FIN) am pass the House?" The roll was taken with the following result:

CSHB 504(FIN) am--RECONSIDERATION

Third Reading

Final Passage

**YEAS: 25 NAYS: 12 EXCUSED: 2 ABSENT: 1**

Yeas: Chenault, Coghill, Dyson, Foster, Green, Halcro, Hayes, Hudson, James, Joule, Kapsner, Kohring, Kookesh, Kott, Masek, McGuire, Meyer, Morgan, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Williams, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Davies, Fate, Guess, Harris, Kerttula, Lancaster, Moses, Whitaker

Excused: Mulder, Ogan

Absent: Bunde

And so, CSHB 504(FIN) am passed the House on reconsideration 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 Murkowski - from 7:09 a.m., April 27 to 10:04 a.m., April 29, 2002

Representative Williams - from 1:35 p.m., today to 9:25 p.m., plane time, April 21, 2002

**HB 180**

Representative Stevens added his name as cosponsor to:

HOUSE BILL NO. 180

"An Act requiring child services providers to obtain criminal background checks for child services workers."

**HB 382**

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 382

"An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored."

**HB 393**

Representatives Kerttula, Dyson, and Murkowski added their names as cosponsors to:

CS FOR HOUSE BILL NO. 393(JUD) am

"An Act relating to unfair and deceptive trade practices and to the sale of business opportunities; amending Rules 4 and 73, Alaska Rules of Civil Procedure; and providing for an effective date."

**SCR 28**

Representatives Dyson, McGuire, Halcro, Williams, Berkowitz, and James added their names as cosponsors to:

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

Establishing the Joint Legislative Salmon Industry Task Force.

**ENGROSSMENT****HCR 19**

HCR 19 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HJR 47**

CSHJR 47(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 300**

HB 300 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 393**

CSHB 393(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 408**

CSHB 408(HES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 504**

CSHB 504(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**SCR 28**

HCS CSSCR 28(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**SB 176**

HCS CSSB 176(RLS) 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            5:00 p.m., 4/19

HOUSE JOURNAL

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April 19, 2002

The following meetings today have been changed as indicated:

Judiciary Committee

CHANGED TO:

1:30 p.m., 4/19

Resources Committee

CHANGED TO:

1:45 p.m., 4/19

**ADJOURNMENT**

Representative James moved and asked unanimous consent that the House adjourn until 11:00 a.m., April 22, 2002. There being no objection, the House adjourned at 1:24 p.m.

Suzi Lowell  
Chief Clerk