

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Friday

February 7, 2003

#### Eighteenth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:36 a.m.

Roll call showed 37 members present. Representative Harris had been previously excused from a call of the House today.

Representative Coghill moved and asked unanimous consent that Representatives Whitaker and Williams be excused from a call of the House from today to 9:41 a.m., February 10, 2003. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Rabbi Johanna M. Hershenson of Anchorage Beth Shalom Congregation. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Prayer cannot mend a broken bridge, rebuild a ruined city, or bring water to parched fields. Our prayers are answered not when we are given what we ask, but when we are challenged to be what we can be. We pray to You instead, O God, for strength, determination, and will power to do instead of simply to pray, to become instead of merely to wish.

Let there be no good hope that is not a command. Let there be no prayer that does not ask to become a deed. Let there be no promise unless it is kept. Prayer reveals truths about ourselves and the world that neither scalpel nor microscope can uncover. Prayer is the search for silence amidst the noise of life. Prayer is not an escape from duty; it challenges us to do wisely and to act generously.

We do not merely pray to You, O God, to end war; for we know that You have made the world in such a way that we must find the path to peace. We do not merely pray to You, O God, to root out prejudice; for You have already given us eyes with which to see the good in all, if we would only use them rightly. We do not merely pray to You, O God, to end despair; for You have already given us the power to clear away poverty and loneliness and to give hope, if we would only use our power justly.

God, we ask Your blessing upon our nation and our state. Guard them from calamity and injury. "Let justice well up as waters, and righteousness as a mighty stream." Enlighten with Your wisdom and sustain with Your power those whom the people have set in authority: the president, the governor, all counselors and legislators, judges and officials who are entrusted with our safety and with upholding our rights and liberties. May faithfulness in that which is beyond us spread its blessings among us and exalt our nation and our state with peace, and respect each cause for the other.

*Oseh shalom bimromav*, may the One who forms peace in the highest portion of the heavens, *huya aseh shalom alaynu*, be a source of peace for us, and may we, created in the image of the Divine, be a source of peace, of loving kindness, of wisdom and justice, and of joy in the lives of one another and the citizens of this great and beautiful state. Amen

The Pledge of Allegiance was led by Representative Foster.

#### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 16th and 17th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

**COMMUNICATIONS**

The following were received:

Dept. of Community & Economic Development  
Division of Investments  
Annual State Loan Report FY02  
Annual Report of Reinstatements FY02  
(as required by AS 37.05.035 and AS 16.10.350)

Alaska State Legislature  
Select Committee on Legislative Ethics  
Advisory Opinions Rendered by the  
Committee, Volume XXIV, and  
Public Decisions Issued by the  
Committee, Volume VII  
January 1, 2002 - January 20, 2003

**REPORTS OF STANDING COMMITTEES**

The Community & Regional Affairs Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Edgar Blatchford

as Commissioner of the Department of Community & Economic Development.

The report was signed by Representative Morgan, Chair; and Representatives Samuels, Anderson, Chenault, Wolf, Cissna.

The State Affairs Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Pete Buist

as a member of the Board of Game.

The report was signed by Representatives Chenault and Fate, Co-chairs; and Representatives Lynn, Gatto, Heinze, Wolf, Guttenberg, Masek.

The State Affairs Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Cliff Judkins  
Sharon McLeod-Everette  
Ron Somerville  
Ted Spraker

as members of the Board of Game.

The reports were signed by Representatives Chenault and Fate, Co-chairs; and Representatives Lynn, Gatto, Heinze, Wolf, Guttenberg, Masek, Kerttula.

#### **HJR 6**

The Resources Committee has considered:

##### HOUSE JOINT RESOLUTION NO. 6

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production.

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

Do pass (7): Masek, Wolf, Heinze, Gatto, Lynn, Fate, Chenault

Amend (1): Guttenberg

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources
2. Zero, Dept. of Revenue

HJR 6 was referred to the Rules Committee for placement on the calendar.

**HB 9**

The Judiciary Committee has considered:

## HOUSE BILL NO. 9

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 9(JUD)  
(same title)

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

Do pass (4): Holm, Samuels, Anderson, McGuire

No recommendation (2): Gruenberg, Coghill

Amend (1): Gara

The following fiscal note(s) apply to CSHB 9(JUD):

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

HB 9 was referred to the Finance Committee.

**HB 68**

The Judiciary Committee has considered:

HOUSE BILL NO. 68

"An Act relating to the office of victims' rights."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 68(JUD)

"An Act relating to the jurisdiction of the office of victims' rights."

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

Do pass (7): Gara, Holm, Samuels, Anderson, Gruenberg, Coghill, McGuire

The following fiscal note(s) apply to CSHB 68(JUD):

1. Zero, Legislative Agency

HB 68 was referred to the Rules Committee for placement on the calendar.

**REPORTS OF SPECIAL COMMITTEES****HB 69**

The House Special Committee on Oil & Gas has considered:

HOUSE BILL NO. 69

"An Act relating to regulation of shallow natural gas leasing and closely related energy projects; and providing for an effective date."

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

Do pass (6): Chenault, McGuire, Rokeberg, Crawford, Fate, Kohring

No recommendation (1): Kerttula

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 69 was referred to the Resources Committee.

### INTRODUCTION OF CITATIONS

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

In Memoriam - Mrs. Mabel Olmstead  
By Representatives Coghill, Harris

In Memoriam - Mrs. Elva Ruth Scott  
By Representatives Coghill, Morgan

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

#### HCR 6

HOUSE CONCURRENT RESOLUTION NO. 6 by Representatives Stevens and Kerttula:

Extending the termination date of the Joint Legislative Salmon Industry Task Force until 2005.

was read the first time and referred to the House Special Committee on Fisheries and the Finance Committee.

#### HJR 3

SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 3 by Representatives CRAWFORD and CROFT:

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund.

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

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

**HB 81**

HOUSE BILL NO. 81 by Representative Meyer, entitled:

"An Act relating to motor vehicle emissions; and providing for an effective date."

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

**HB 82**

HOUSE BILL NO. 82 by Representatives Meyer and Wilson, entitled:

"An Act making certain activities related to commercial electronic mail unlawful as unfair methods of competition or unfair or deceptive acts or practices under the Act enumerating unfair trade practices and consumer protections."

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

**HB 83**

HOUSE BILL NO. 83 by Representatives Berkowitz and Weyhrauch, entitled:

"An Act adopting a version of the Revised Uniform Arbitration Act; relating to the state's existing Uniform Arbitration Act; amending Rules 3, 18, 19, 20, and 21, Alaska Rules of Civil Procedure, Rule 601, Alaska Rules of Evidence, and Rule 402, Alaska Rules of Appellate Procedure; and providing for an effective date."

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



**HB 84**

HOUSE BILL NO. 84 by Representatives Kapsner, Kott, Weyhrauch, Harris, Berkowitz, Cissna, Crawford, Croft, Foster, Gara, Guttenberg, Heinze, Joule, Kerttula, Kookesh, McGuire, Meyer, Morgan, Moses, Stevens, Whitaker, Williams, Wilson, Holm, and Gruenberg, entitled:

"An Act relating to a curriculum for Alaska history; 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 and Finance Committees.

**HB 85**

HOUSE BILL NO. 85 by Representative Crawford, entitled:

"An Act requiring certain consumer reporting agencies to provide individuals with certain reports without charge."

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

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE RESOLUTIONS****HCR 2**

The following was read the second time:

**HOUSE CONCURRENT RESOLUTION NO. 2**

Relating to the extension of the Alaska Railroad to Fort Greely to serve the anti-ballistic missile launch facility.

with the:

Journal Page

MLV RPT CS(MLV) 6DP  
FN1: ZERO(CED)

129  
129

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

CS FOR HOUSE CONCURRENT RESOLUTION NO. 2(MLV)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gara:

Page 2, following line 15:

Insert "**BE IT FURTHER RESOLVED** that this resolution shall take effect only upon the receipt of federal funding for the construction and maintenance of this project, and upon proof that the project will provide more revenue to the state than the state and Alaska Railroad will contribute to pay for the project's construction, operation, and maintenance."

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

Representative Lynn objected.

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

CSHCR 2(MLV)  
Second Reading  
Amendment No. 1

**YEAS: 11 NAYS: 24 EXCUSED: 3 ABSENT: 2**

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Moses

Nays: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Hawker, Heinze, Holm, Kohring, Kott, Lynn, Masek, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stevens, Stoltze, Weyhrauch, Wilson, Wolf

Excused: Harris, Whitaker, Williams

Absent: Kapsner, McGuire

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Kerttula:

Page 2, line 13:

Delete "direct"

Insert "encourage"

Representative Kerttula moved and asked unanimous consent that Amendment No. 2 be adopted. Representative Rokeberg objected and withdrew his objection. There being no further objection, it was so ordered.

The question being: "Shall CSHCR 2(MLV) am pass the House?"  
The roll was taken with the following result:

CSHCR 2(MLV) am

Second Reading

Final Passage

**YEAS: 36 NAYS: 1 EXCUSED: 3 ABSENT: 0**

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gatto, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Rokeberg, Samuels, Seaton, Stevens, Stoltze, Weyhrauch, Wilson, Wolf

Nays: Gara

Excused: Harris, Whitaker, Williams

And so, CSHCR 2(MLV) am passed the House and was referred to the Chief Clerk for engrossment.

#### **UNFINISHED BUSINESS**

Representative Coghill 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 Berkowitz - from noon, February 7 to 9:40 a.m., plane time, February 10; and from 2:20 p.m., February 13 to 2:00 p.m., plane time, February 17, 2003

Representative Cissna - from 7:00 a.m., February 8 to 10:00 p.m., February 10, 2003

Representative Wolf - from 7:25 a.m., February 14 to 9:30 p.m., February 17, 2003

Representative Hawker - from 7:35 p.m., February 16 to 9:30 p.m., February 17, 2003

### **HCR 2**

Representatives Anderson, Meyer, and Wilson added their names as cosponsors to:

CS FOR HOUSE CONCURRENT RESOLUTION  
NO. 2(MLV) am

Relating to the extension of the Alaska Railroad to Fort Greely to serve the anti-ballistic missile launch facility.

### **HJR 10**

Representative Lynn added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 10

Requesting the United States Congress to support the speedy deployment of a national missile defense system.

### **HB 10**

Representatives Foster, Stevens, Wilson, and Seaton added their names as cosponsors to:

HOUSE BILL NO. 10

"An Act amending the definition of group health insurance, and allowing the Department of Administration to obtain a policy or policies of group health care insurance for employers that are small businesses, nonprofit organizations, special services organizations, or small associations for insurance purposes; and providing for an effective date."

**HB 12**

Representatives Anderson and Chenault added their names as cosponsors to:

HOUSE BILL NO. 12

"An Act relating to harassment."

**HB 15**

Representative Chenault added his name as cosponsor to:

HOUSE BILL NO. 15

"An Act relating to establishing the Alaska No-Call List, a data base of residential telephone customers who do not wish to receive telephonic solicitations; providing that the data base be compiled at no cost to the customers; requiring paid telephonic sellers to purchase the data base; requiring telephonic sellers to identify themselves; requiring telephonic solicitors who are otherwise exempt from registration as telephonic solicitors to file with the Department of Law and purchase the data base; and providing for an effective date."

**HB 16**

Representative Chenault added his name as cosponsor to:

HOUSE BILL NO. 16

"An Act amending the standards applicable to determining whether, for purposes of the Alaska Stranded Gas Development Act, a proposed new investment constitutes a qualified project, and repealing the deadline for applications relating to the development of contracts for payments in lieu of taxes and for royalty adjustments that may be submitted for consideration under that Act; and providing for an effective date."

**HB 18**

Representative Anderson added his name as cosponsor to:

HOUSE BILL NO. 18

"An Act relating to the liability of parents and legal guardians of minors who destroy property."

**HB 19**

Representative Wolf added his name as cosponsor to:

HOUSE BILL NO. 19

"An Act relating to appropriations for operating expenses for primary and secondary public education; and providing for an effective date."

**HB 26**

Representatives Anderson and Wolf added their names as cosponsors to:

HOUSE BILL NO. 26

"An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date."

**HB 44**

Representative Guttenberg added his name as cosponsor to:

HOUSE BILL NO. 44

"An Act relating to the use of headlights when operating a motor vehicle."

**HB 55**

Representative Kohring added his name as cosponsor to:

HOUSE BILL NO. 55

"An Act expressing legislative intent regarding privately operated correctional facility space and services; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement for the confinement and care of prisoners in privately operated correctional facility space; authorizing the Department of Corrections to enter into agreements with municipalities to expand existing correctional facilities; and providing for an effective date."

**HB 68**

Representative Gatto added his name as cosponsor to:

HOUSE BILL NO. 68

"An Act relating to the office of victims' rights."

**HB 69**

Representative Rokeberg added his name as cosponsor to:

HOUSE BILL NO. 69

"An Act relating to regulation of shallow natural gas leasing and closely related energy projects; and providing for an effective date."

**HB 77**

Representative Croft added his name as cosponsor to:

HOUSE BILL NO. 77

"An Act allowing certain motor vehicles to be operated while unattended."

**HB 80**

Representatives Guttenberg and Crawford added their names as cosponsors to:

HOUSE BILL NO. 80

"An Act prohibiting sales of certain soft drinks in public schools."

**ENGROSSMENT**

**HCR 2**

CSHCR 2(MLV) am 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.

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 10, 2003. There being no objection, the House adjourned at 11:46 a.m.

Suzi Lowell  
Chief Clerk