

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

January 20, 2004

Ninth Day

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

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

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 Joule - from today to 6:00 p.m., January 23, 2004

Representative Berkowitz - today

The invocation was offered by the Chaplain, the Reverend Ron Covey of the Douglas Community United Methodist Church. Representative Fate moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Mr. Speaker, Honorable Representatives, members of the staff, distinguished guests and visitors, with deep respect for the diversity of faith traditions in our great state, let us take this moment for prayer.

Creating Spirit,

As we look at the creatures and the grandeur of this great land, we see that each has its place and its season as You intended. The

tides rise and fall with predictable regularity, the bears awake from hibernation, the stars wheel in their courses, the salmon return, and all is in harmony.

As we deal with the issues before us, may we seek to work in harmony as well. Remind us that we serve not just for pride or party, but for the people we represent. As the salmon sacrifices itself for the next generation, guide us in what to take up, or to give up, to insure a good life for future Alaskans. Keep us steadfast in our purpose, as the tides are steadfast in theirs. Amen.

The Pledge of Allegiance was led by Representative Kerttula.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the first, second, third, fourth, fifth, sixth, seventh, and eighth legislative days and Senate and House Joint Journal Supplement No. 11 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated January 16, 2004, was received stating the Senate has accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., February 25 to hear the State of the Judiciary address by Chief Justice Alexander O. Bryner.

COMMUNICATIONS

The following were received:

Alaska Energy Authority
Statistical Report of the
Power Cost Equalization Program
Fiscal Year 2003
Sixteenth Edition, January 2004

Dept. of Community & Economic Development
Division of Insurance
65th Annual Report
Calendar Year 2002
Fiscal Year 2003
(as required by AS 21.06.110)

Dept. of Community & Economic Development
Regulatory Commission of Alaska
2003 Annual Report
January 12, 2004
(as required by AS 42.05.211 and AS 42.06.220)

INTRODUCTION OF CITATIONS

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

Honoring - Dave Jones for His Award for Outstanding Service to the Kodiak Community by the Association of School Business Officials International
By Senator Gary Stevens

In Memoriam - Chaplain Evan John Jones
By Senator Gary Stevens; Representative Ogg

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 25

HOUSE CONCURRENT RESOLUTION NO. 25 by Representative Wolf:

Relating to Alaska Wild Salmon Week, June 28 - July 4, 2004.

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

HCR 26

HOUSE CONCURRENT RESOLUTION NO. 26 by Representative Wolf:

Relating to investments in Alaska by corporate America in which the permanent fund invests.

was read the first time and referred to the State Affairs Committee.

HCR 27

HOUSE CONCURRENT RESOLUTION NO. 27 by Representative Wolf:

Relating to Take a Young Person Hunting Week.

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

HJR 32

HOUSE JOINT RESOLUTION NO. 32 by Representative Kerttula:

Relating to the labeling of salmon and salmon food products.

was read the first time and referred to the House Special Committee on Fisheries and the Labor & Commerce Committee.

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

HB 29

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29 by Representative Rokeberg, entitled:

"An Act relating to real estate licensees and real estate transactions; and providing for an effective date."

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

HB 296

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 296 by Representatives Croft, Crawford, and Guttenberg, entitled:

"An Act making an appropriation to the Alaska Natural Gas Development Authority; 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 379

HOUSE BILL NO. 379 by Representative Weyhrauch, entitled:

"An Act establishing an office of citizenship assistance in the Department of Labor and Workforce Development."

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

HB 380

HOUSE BILL NO. 380 by Representative Meyer, entitled:

"An Act relating to aggravating factors at sentencing."

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

HB 381

HOUSE BILL NO. 381 by Representative McGuire, entitled:

"An Act relating to child endangerment."

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

HB 382

HOUSE BILL NO. 382 by the House Rules Committee by request of the Governor, entitled:

"An Act repealing the time limitation on the authority of the Department of Natural Resources to enter into agreements with a person or persons desiring to own an oil or natural gas pipeline proposed to be located on state land for the purposes of providing for payment of the reasonable costs incurred in preparing for activities before receipt of an application under the Alaska Right-of-Way Leasing Act; and providing for an effective date."

was read the first time and referred to the House Special Committee on Oil & Gas and the Resources Committee.

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

The Governor's transmittal letter dated January 12, 2004, follows:

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill allowing the Department of Natural Resources (DNR) to continue to enter into reimbursement agreements with applicants for DNR's preliminary work on oil and gas pipeline right-of-way lease applications. DNR's preliminary work streamlines the application process. An effective permitting process is critical to revitalizing the oil and gas industry and growing Alaska's economy. DNR's current authority to enter into reimbursement agreements expired on December 31, 2003. The bill contains a retroactive provision to ensure there is no "window" period when reimbursement agreements could not be entered into by DNR.

AS 38.35 requires pipeline right-of-way lease applicants to submit detailed applications that include significant engineering and design work. Substantial investments of time and money are needed even before an application is officially submitted to DNR. Costs of pre-application work by state agencies like DNR can range from about \$40,000 for a simple pipeline to several millions of dollars for a project like the proposed Alaska natural gas pipeline. Incomplete applications or applications that must be revised later are costly, create

delays that could cost a producer the construction season, and may directly impact a decision on the feasibility of a project.

DNR's assistance and guidance results in a good working relationship with the applicant. It also results in early communication and explanation of state law requirements to applicants, complete initial applications, quicker processing by DNR, fewer revisions, and a greater chance of approval of the project by DNR.

I urge your prompt and favorable action on this matter.

Sincerely yours,
/s/
Frank H. Murkowski
Governor"

HB 383

HOUSE BILL NO. 383 by the House Rules Committee by request of the Governor, entitled:

"An Act approving an interim classification by the commissioner of natural resources closing certain land within the area of the proposed Bristol Bay (Alaska Peninsula) competitive oil and gas areawide lease sale to oil and gas exploration licensing and shallow natural gas leasing; and providing for an effective date."

was read the first time and referred to the House Special Committee on Oil & Gas and the Resources Committee.

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

The Governor's transmittal letter dated January 12, 2004, follows:

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill approving an interim

classification by the commissioner of Natural Resources closing certain land in the Bristol Bay region to oil and gas exploration licensing under AS 38.05.131 through AS 38.05.134 and shallow natural gas leasing under AS 38.05.177. The specific lands affected will be part of a future competitive oil and gas lease sale in the Bristol Bay region. Closure avoids potential conflicts in land use for these areas later, when the proposed competitive oil and gas lease sale occurs.

Under AS 38.05.300(c), a mineral closing order is an interim classification which does not become permanent unless approved by the legislature by the 90th day of the next regular session, or adjournment. This legislation will help facilitate needed economic development and job creation in Alaska's Bristol Bay region.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor"

HB 384

HOUSE BILL NO. 384 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the schedule of proposed oil and gas lease sales and to a related report to the legislature; and providing for an effective date."

was read the first time and referred to the House Special Committee on Oil & Gas and the Resources Committee.

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

The Governor's transmittal letter dated January 12, 2004, follows:

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the scheduling of proposed oil and gas lease sales. This bill would allow the commissioner of the Department of Natural Resources to produce additional revenues for the State of Alaska from oil and gas lease sales by quickly responding to changing industry, market, and other conditions. New areas, particularly frontier areas of the state, can be brought into production sooner than currently possible. The bill would still permit legislative review of the lease sale program.

Currently, the commissioner is required to prepare a "Five Year Schedule of Proposed Oil And Gas Lease Sales" and submit it to the Legislature in January of the first regular session of each Legislature. A proposed lease sale must be included in the schedule for at least two calendar years before the sale can actually be held. This is a ponderous process that makes it difficult to implement the most effective oil and gas lease sale program possible.

This bill is an important part of our mission to use natural resource wealth to produce long-term, stable revenue sources for the state, local and property tax revenue for municipalities, and high paying jobs for Alaskans.

I urge your prompt and favorable support of this legislation.

Sincerely yours,

/s/

Frank H. Murkowski
Governor"

HB 385

HOUSE BILL NO. 385 by Representative McGuire, entitled:

"An Act relating to awarding child custody; and providing for an effective date."

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

HB 386

HOUSE BILL NO. 386 by Representatives Croft and Crawford, entitled:

"An Act exempting contracts of the Alaska Natural Gas Development Authority from the State Procurement Code; and providing for an effective date."

was read the first time and referred to the Labor & Commerce Committee, the House Special Committee on Oil & Gas, and the Resources Committee.

HB 387

HOUSE BILL NO. 387 by Representative Gatto, entitled:

"An Act relating to fines for offenses committed within school zones."

was read the first time and referred to the Community & Regional Affairs, Transportation, and Judiciary Committees.

HB 388

HOUSE BILL NO. 388 by Representative Meyer, entitled:

"An Act relating to renewal of a driver's license by applicants 25 years of age or younger; and providing for an effective date."

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

HB 389

HOUSE BILL NO. 389 by the House Labor & Commerce Committee, entitled:

"An Act relating to certain monetary advances in which the deposit or other negotiation of certain instruments to pay the advances is delayed until a later date; and providing for an effective date."

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

HB 390

HOUSE BILL NO. 390 by Representative Gatto, entitled:

"An Act relating to the required number of days in a school year."

was read the first time and referred to the House Special Committee on Education and the Health, Education & Social Services and Finance Committees.

HB 391

HOUSE BILL NO. 391 by Representative Heinze, entitled:

"An Act relating to employers and to victims of crime."

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

HB 392

HOUSE BILL NO. 392 by Representative Heinze, entitled:

"An Act relating to motor vehicle safety belt violations."

was read the first time and referred to the Transportation and Judiciary Committees.

HB 393

HOUSE BILL NO. 393 by Representative Wolf, entitled:

"An Act relating to the longevity bonus program; and providing for an effective date."

was read the first time and referred to the State Affairs, Health, Education & Social Services, and Finance Committees.

HB 394

HOUSE BILL NO. 394 by Representative Holm, entitled:

"An Act extending the Alaska Commission on Aging."

was read the first time and referred to the State Affairs and Health, Education & Social Services Committees.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 304**

The following was read the second time:

HOUSE BILL NO. 304

"An Act naming the Jack Coghill Bridge to the Interior."

with the:	Journal Page
TRA RPT 5DP	1592
FN1: ZERO(DOT)	1592
STA RPT 7DP	2325
FN2: ZERO(DOT)	2326

Representative Coghill moved and asked unanimous consent that HB 304 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 304 was read the third time.

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

The question being: "Shall HB 304 pass the House?" The roll was taken with the following result:

HB 304

Third Reading

Final Passage

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

Yeas: Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Berkowitz, Joule, Morgan

And so, HB 304 passed the House.

Representative Harris moved and asked unanimous consent that all members be shown as cosponsors to HB 304. There being no objection, it was so ordered.

HB 304 was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Coghill 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 - Valdez High School Girls Volleyball Team, 2003 State 3A Championships

By Representatives Harris, Kott, Anderson, Berkowitz, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Kapsner, Kerttula, Kohring, Kookesh, Lynn, Meyer, Ogg, Rokeberg, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Honoring - Juneau-Douglas High School Varsity Soccer Team, 2003 State Champions

By Senator Elton; Representatives Weyhrauch, Kerttula, Kott, Anderson, Berkowitz, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kapsner, Kohring, Kookesh, Lynn, Meyer, Ogg, Rokeberg, Stepovich, Stoltze, Williams, Wilson, Wolf

Commemorating – Black History Month

By Senator Davis; Representatives Kott, Anderson, Berkowitz, Chenault, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kapsner, Kerttula, Kohring, Kookesh, Lynn, Meyer, Ogg, Rokeberg, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Commemorating - Dr. Martin Luther King, Jr. Day

By Senator Davis; Representatives Kott, Anderson, Berkowitz, Chenault, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kapsner, Kerttula, Kohring, Kookesh, Lynn, Meyer, Ogg, Rokeberg, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

In Memoriam - Ford Horst

By Representatives Weyhrauch, Kerttula, Kott, Anderson, Berkowitz, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kapsner, Kohring, Kookesh, Meyer, Ogg, Rokeberg, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - Stanley Elwood Reddekopp

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - Christian Frederik Wyller

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - Robert E. Emerson

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - Chris Garrison

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - Juan Jose Moser

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - Margaret C. Morgan

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - Robert "Bob" E. Nyman

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - Peter M. Schneider

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - Rose Vandor

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - David Willard

By Representatives Weyhrauch, Kerttula, Kott, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

In Memoriam - James Richard "Dick" Pace

By Senator Ben Stevens; Representatives Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Harris, Holm, Kapsner, Kerttula, McGuire, Meyer, Moses, Ogg, Rokeberg Samuels, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

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 Weyhrauch - from 7:00 a.m. to 7:00 p.m., January 21, 2004

Representative Fate - from 5:00 p.m., January 22 to midnight, January 24, 2004; and from 5:00 p.m., February 6 to midnight, February 12, 2004

Representative Rokeberg - from 6:00 a.m., January 22 to 10:00 p.m., January 25, 2004

Representative Chenault - from 10:00 p.m., January 22 to 9:30 a.m., plane time, January 26, 2004

Representative Wilson - from a.m., plane time, January 23 to p.m., plane time, January 24, 2004

Representative Holm - from 7:00 p.m., January 23 to 9:30 a.m., plane time, January 26, 2004

Representative Ogg - from 7:00 a.m., January 29 to 9:35 a.m., January 31, 2004

Representative Kohring - from 1:16 p.m., January 30 to 9:38 p.m., February 1, 2004

Representative Wolf - from 1:16 p.m., February 6 to 9:30 a.m., plane time, February 9, 2004

HB 304

Representatives Masek, Hawker, Stoltze, Croft, and Ogg added their names as cosponsors to:

HOUSE BILL NO. 304

"An Act naming the Jack Coghill Bridge to the Interior."

The following were added as cosponsors (page 2349):

Representatives Kott, Berkowitz, Chenault, Cissna, Crawford, Fate, Gara, Gatto, Harris, Heinze, Joule, Kohring, Kookesh, Lynn, McGuire, Meyer, Moses, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson, Wolf

HB 337

Representatives Dahlstrom and Holm added their names as cosponsors to:

HOUSE BILL NO. 337

"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, and to motor vehicle licenses and registrations."

ENGROSSMENT**HB 304**

HB 304 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 10:00 a.m., January 21, 2004. There being no objection, the House adjourned at 10:43 a.m.

Suzi Lowell
Chief Clerk