

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

April 9, 2001

Ninety-second Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:09 a.m.

Roll call showed 35 members present. Representatives Cissna, Fate, Foster, and Kookesh had been previously excused from a call of the House today.

Representative James moved and asked unanimous consent that Representative Ogan's previously excused absence (page 819) be extended through 9:30 p.m., plane time, April 16, 2001. There being no objection, it was so ordered.

The invocation was offered by Pastor Sam Dalin of the River of Glory Church. Representative Green moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Dear Father God, Son, and Holy Spirit, we come before You today thanking You that every good and perfect gift is from above. We need Your gifts to help us this day as we do the tasks that are set before us. We thank You for Your good and perfect gifts of love, joy, and peace. We ask, with thanksgiving, for Your help in leading this great state of Alaska. We pray this in the name of God the Father, God the Son, God the Holy Spirit. Amen.

The Pledge of Allegiance was led by Representative Mulder.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 89th, 90th, and 91st legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR**SB 16**

A message dated April 6, 2001, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR SENATE BILL NO. 16(RLS)

"An Act regarding oil discharge prevention and cleanup involving self-propelled nontank vessels exceeding 400 gross registered tonnage and railroad tank cars and related facilities and operations and requiring preparation and implementation of oil discharge contingency plans for those nontank vessels and railroad tank cars; amending the definition of 'response action' that relates to releases or threatened releases of oil and thereby amending the duties and liabilities of response action contractors; authorizing compliance verification for nontank vessels and for trains and related facilities and operations; and providing for an effective date."

Chapter No. 8, SLA 2001

Effective Date: April 7, 2001

MESSAGES FROM THE SENATE**SJR 10**

A message dated April 6, 2001, was read stating the Senate has concurred in the House amendment to SJR 10, thus adopting:

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 10(MLV)
am H

Urging the United States Congress to fully fund the operational readiness and recapitalization requirements of the United States Coast Guard.

REPORTS OF STANDING COMMITTEES**HB 121**

The Judiciary Committee has considered:

HOUSE BILL NO. 121

"An Act relating to the issuance of qualified charitable gift annuities."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 121(L&C)
(same title)

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

Do pass (4): Meyer, Coghill, James, Rokeberg

The following fiscal note(s) apply to CSHB 121(L&C):

1. Zero, Dept. of Community & Economic Development

HB 121 was referred to the Rules Committee for placement on the calendar.

HB 143

The Judiciary Committee has considered:

HOUSE BILL NO. 143

"An Act relating to the deoxyribonucleic acid (DNA) identification registration system."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 143(JUD)
(same title)

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

Do pass (3): Meyer, James, Rokeberg

No recommendation (2): Coghill, Kookesh

The following fiscal note(s) apply to CSHB 143(JUD):

1. Zero, Dept. of Public Safety
2. Indeterminate, Dept. of Administration

HB 143 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - Noorvik Bears Basketball Team
By Representative Joule

In Memoriam - John E. "Pat" Ryan
By Representative Bunde

In Memoriam - Minnie LaPage
By Representative Harris; Senator Lincoln

In Memoriam - Joseph Martin Jackovich
By Representatives Fate, Hayes

In Memoriam - Marlieta Davis Wallace
By Senator Taylor

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 237**

HOUSE BILL NO. 237 by Representative Coghill, entitled:

"An Act relating to filling a vacancy in the office of United States senator."

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

HB 238

HOUSE BILL NO. 238 by Representative Lancaster, entitled:

"An Act relating to the power transmission intertie fund of the Alaska Energy Authority."

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

HB 239

HOUSE BILL NO. 239 by Representative Foster, entitled:

"An Act establishing a pilot program for a regional learning center."

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

HB 240

HOUSE BILL NO. 240 by Representative Stevens, entitled:

"An Act relating to eligibility for major medical insurance coverage for beneficiaries of the teachers' retirement system; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 111**

The following was read the second time:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 111

"An Act relating to civil liability for injuries or death resulting from livestock activities."

with the:

Journal Page

JUD RPT CS(JUD) 5DP	877
FN1: ZERO(H.JUD/ALL DEPTS)	878
FN2: ZERO(H.JUD/CRT)	878

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

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
111(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Croft:

Page 2, line 26, following "(1)":

Delete "gross negligence or reckless or intentional misconduct"

Insert "negligence, gross negligence, reckless or intentional misconduct"

Page 3, line 1, following "to be":

Insert "or reasonably should know to be"

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

Representative Coghill objected.

Representative Coghill moved and asked unanimous consent that the question be divided.

The Speaker ruled that the question was divisible.

There being no objection, Amendment No. 1 was divided.

Part A of Amendment No. 1:

Page 2, line 26, following "(1)":

Delete "gross negligence or reckless or intentional misconduct"

Insert "negligence, gross negligence, reckless or intentional misconduct"

The question being: "Shall Amendment No. 1 - Part A be adopted?"

The roll was taken with the following result:

CSSSHB 111(JUD)

Second Reading

Amendment No. 1 - Part A

YEAS: 8 NAYS: 27 EXCUSED: 5 ABSENT: 0

Yea: Berkowitz, Crawford, Croft, Davies, Guess, Kapsner, Kerttula, Moses

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

Excused: Cissna, Fate, Foster, Kookesh, Ogan

And so, Amendment No. 1 - Part A was not adopted.

Part B of Amendment No. 1:

Page 3, line 1, following "to be":

Insert "or reasonably should know to be"

There being no objection, Amendment No. 1 - Part B was adopted.

Amendment No. 2 was offered by Representatives Berkowitz and Kerttula:

Page 4, line 2, following "objects;":
Insert "and"

Page 4, line 4:
Delete "and"

Page 4, lines 5-6:
Delete all material.

Representative Berkowitz moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative James objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSSSHB 111(JUD) am
Second Reading
Amendment No. 2

YEAS: 12 NAYS: 23 EXCUSED: 5 ABSENT: 0

Yea: Berkowitz, Crawford, Croft, Davies, Green, Hayes, Hudson, Joule, Kapsner, Kerttula, Moses, Whitaker

Nay: Bunde, Chenault, Coghill, Dyson, Guess, Halcro, Harris, James, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Williams, Wilson

Excused: Cissna, Fate, Foster, Kookesh, Ogan

And so, Amendment No. 2 was not adopted.

Representative James moved and asked unanimous consent that CSSSHB 111(JUD) am be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSSSHB 111(JUD) am will be advanced to third reading on the April 10, 2001, calendar.

SECOND READING OF HOUSE RESOLUTIONS

HCR 8

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 8

Expressing the legislature's opposition to the proposed "northern" or "over-the-top" route for a natural gas pipeline to transport North Slope natural gas reserves to the domestic North American market, and expressing the legislature's support of commercialization of North Slope natural gas for the maximum benefit of the people of the state.

with the:

Journal Page

O&G RPT CS(O&G) 4DP 1DNP 1NR	785
FN1: ZERO(H.O&G)	786
RES RPT CS(RES) 6DP 1NR	876
FN1: ZERO(H.O&G)	876

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

CS FOR HOUSE CONCURRENT RESOLUTION NO. 8(RES) (same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Green:

Page 2, line 31, following "legislature":

Delete "will"
Insert "may"

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

Representative Berkowitz objected.

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

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

CSHCR 8(RES)
Second Reading
Amendment No. 1

YEAS: 8 NAYS: 26 EXCUSED: 5 ABSENT: 1

Yea: Chenault, Green, Halcro, Kohring, Kott, Lancaster, Masek, Scalzi

Nay: Berkowitz, Coghill, Crawford, Croft, Davies, Dyson, Guess, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Porter, Rokeberg, Stevens, Whitaker, Williams, Wilson

Excused: Cissna, Fate, Foster, Kookesh, Ogan

Absent: Bunde

And so, Amendment No. 1 was not adopted.

The question being: "Shall CSHCR 8(RES) pass the House?" The roll was taken with the following result:

CSHCR 8(RES)
Second Reading
Final Passage

YEAS: 31 NAYS: 3 EXCUSED: 5 ABSENT: 1

Yea: Berkowitz, Chenault, Coghill, Crawford, Croft, Davies, Dyson, Green, Guess, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Nay: Halcro, Kohring, Moses

Excused: Cissna, Fate, Foster, Kookesh, Ogan

Absent: Bunde

And so, CSHCR 8(RES) passed the House and was referred to the Chief Clerk for engrossment.

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 - Dan Shanders

By Representatives Green, Porter, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Fate, Halcro, Hayes, Hudson, James, Joule, Kerttula, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson

Honoring - Mary Ellen Murphy

By Representatives Green, Porter, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Fate, Halcro, Hayes, Hudson, James, Joule, Kerttula, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson

Honoring - Charlton Heston, President of the National Rifle Association

By Senator Donley; Representatives Porter, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Dyson, Fate, Foster, Green, Halcro, Hayes, Hudson, James, Joule, Kohring, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson

Honoring - University of Alaska Fairbanks Rifle Team

By Senator Wilken; Representatives Porter, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Halcro, Hayes, Hudson, James, Joule, Kerttula, Kohring, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Stevens, Whitaker, Williams, Wilson

Honoring - Melissa Mulloy

By Senator Wilken; Representatives Porter, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Dyson, Fate, Green, Halcro, Hayes, Hudson, James, Joule, Kerttula, Kott, Lancaster, McGuire, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Stevens, Williams, Wilson

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 Crawford - from 7:14 p.m., plane time, April 13 to 9:34 p.m., plane time, April 16, 2001

Representative Masek - from noon, plane time, April 12 to 9:30 a.m., plane time, April 17, 2001

HCR 8

Representatives Wilson and James added their names as cosponsors to:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 8(RES)
Expressing the legislature's opposition to the proposed "northern" or "over-the-top" route for a natural gas pipeline to transport North Slope natural gas reserves to the domestic North American market, and expressing the legislature's support of commercialization of North Slope natural gas for the maximum benefit of the people of the state.

HJR 13

Representative Hayes removed his name as cosponsor from:

HOUSE JOINT RESOLUTION NO. 13

Urging the President and the United States Congress to uphold Alaska's right to 90 percent of the royalties from oil, gas, and mineral leasing on federal land in Alaska.

HB 18

Representative Croft added his name as cosponsor to:

HOUSE BILL NO. 18

"An Act making an appropriation to the Department of Community and Economic Development for renters' tax equivalency payments; and providing for an effective date."

HB 32

Representative Stevens added his name as cosponsor to:

CS FOR HOUSE BILL NO. 32(JUD) am

"An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

HB 101

Representative Lancaster added his name as cosponsor to:

HOUSE BILL NO. 101

"An Act relating to charter schools; and providing for an effective date."

HB 111

Representatives Mulder, Hayes, McGuire, and Wilson added their names as cosponsors to:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 111(JUD) am

"An Act relating to civil liability for injuries or death resulting from livestock activities."

HB 172

Representative Kapsner added her name as cosponsor to:

CS FOR HOUSE BILL NO. 172(FIN) am
"An Act relating to therapeutic courts for offenders and to the authorized number of superior court judges."

SJR 15

Representative Chenault added his name as cross sponsor to:

CS FOR SENATE JOINT RESOLUTION NO. 15(RLS)
Relating to imports of salmon from Chile.

SB 65

Representatives Guess and McGuire added their names as cross sponsors to:

CS FOR SENATE BILL NO. 65(FIN)
"An Act requiring a study regarding equal pay for equal work of certain state employees."

ENGROSSMENT**HCR 8**

CSHCR 8(RES) 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 James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 10, 2001. There being no objection, the House adjourned at 12:31 p.m.

Suzi Lowell
Chief Clerk