

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

February 22, 2002

#### Fortieth Day

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

Roll call showed 32 members present. Representatives Bunde, Chenault, Green, Hayes, James, and McGuire had been previously excused from a call of the House today.

Acting Majority Leader Foster 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 Williams - from today to 9:45 p.m., plane time, February 24, 2002

Representative Halcro - from today to 7:59 p.m., plane time, February 23, 2002

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

Let us pray. Dear God, arise this day to Your rightful resting place over the great state of Alaska. You are our ark of strength. Let us rejoice in the decisions we make because You alone are a good God. O Lord God, we ask for Your guidance. We ask mercy upon us, for You alone are just. Guide us this day. God bless Alaska. In the Name of God the Father, God the Son, and God the Holy Spirit. Amen.

The Pledge of Allegiance was led by Representative Davies.

**CERTIFICATION OF THE JOURNAL**

Representative Foster moved and asked unanimous consent that the journal for the 38th and 39th legislative days and House and Senate Joint Journal Supplement No. 13 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

**MESSAGES FROM THE SENATE**

A message dated February 20, 2002, was read stating that pursuant to AS 24.55.020, the Senate President has appointed the following members to the Ombudsman Selection Committee:

Senator Phillips, Co-chair  
Senator Stevens  
Senator Ellis

The House members of the committee are Representative Kott, Co-chair, and Representatives McGuire and Berkowitz (page 2347).

A message dated February 20, 2002, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 244**

CS FOR SENATE BILL NO. 244(RLS) by the Senate Rules Committee, entitled:

"An Act extending the termination date of the Board of Examiners in Optometry; and relating to optometrists."

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

**COMMUNICATIONS**

The following were received:

Dept. of Education & Early Development  
Alaska State Community Service Commission  
Annual Report, 2001

Dept. of Labor & Workforce Development  
Alaska Human Resource Investment Council  
Training Program Performance 2000  
An Evaluation of Alaska's Workforce  
Training System  
Executive Summary  
(as required by AS 23.15.580)

Employment and Earnings of Training  
Program Participants Exiting Alaska  
Training Programs in FY 2000  
February 13, 2002  
(as required by AS 23.15.580)

Dept. of Transportation & Public Facilities  
Southwest Alaska Transportation Plan  
February 2002  
(as required by AS 44.42.050)

**REPORTS OF STANDING COMMITTEES****HB 209**

The Finance Committee has considered:

HOUSE BILL NO. 209

"An Act directing the Department of Health and Social Services to establish a foster care transition program; relating to that program; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 209(HES)  
(same title)

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

Do pass (10): Whitaker, Harris, Croft, Davies, Moses, Lancaster, Hudson, Foster, Mulder, Williams

No recommendation (1): Bunde

The following fiscal note(s) apply to CSHB 209(HES):

1. Zero, Dept. of Health & Social Services

HB 209 was referred to the Rules Committee for placement on the calendar.

**HB 254**

The State Affairs Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 254

"An Act relating to the teachers' retirement system, the judicial retirement system, and the public employees' retirement system and to the tax qualification under the Internal Revenue Code of those systems; amending the definition of 'actuarial adjustment' in the teachers' retirement system and the public employees' retirement system; repealing certain provisions of the teachers' retirement system and the public employees' retirement system; and providing for an effective date."

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

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

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

SSHB 254 was referred to the Finance Committee.

**HB 276**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 276

"An Act relating to nursing, nurses, and nurse aides."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 276(L&C)

"An Act relating to temporary permits and licenses by endorsement issued by the Board of Nursing; and relating to the delegation of nursing duties."

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

Do pass (5): Meyer, Hayes, Crawford, Halcro, Murkowski

No recommendation (1): Rokeberg

The following fiscal note(s) apply to CSHB 276(L&C):

1. Zero, Dept. of Community & Economic Development

HB 276 was referred to the Health, Education & Social Services Committee.

**HB 297**

The Finance Committee has considered:

HOUSE BILL NO. 297

"An Act related to aggravating factors at sentencing."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 297(JUD)

(same title)

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

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

No recommendation (2): Bunde, Hudson

The following fiscal note(s) apply to CSHB 297(JUD):

1. Zero, Dept. of Law
2. Indeterminate, Dept. of Administration
3. Indeterminate, Dept. of Corrections

HB 297 was referred to the Rules Committee for placement on the calendar.

**HB 300**

The State Affairs Committee has considered:

HOUSE BILL NO. 300

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

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

Do pass (5): Wilson, Stevens, Crawford, Hayes, Coghill

The following fiscal note(s) apply:

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

HB 300 was referred to the Finance Committee.

**HB 344**

The State Affairs Committee has considered:

## HOUSE BILL NO. 344

"An Act increasing fees for driver's licenses, instruction permits, and identification cards; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 344(STA)  
(same title)

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

Do pass (4): Wilson, Stevens, Fate, Hayes

No recommendation (2): Crawford, Coghill

The following fiscal note(s) apply to CSHB 344(STA):

1. Fiscal, Dept. of Administration

HB 344 was referred to the Finance Committee.

**HB 346**

The State Affairs Committee has considered:

## HOUSE BILL NO. 346

"An Act relating to concealed handgun permittees."

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

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

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety

HB 346 was referred to the Judiciary Committee.

**HB 358**

The Community & Regional Affairs Committee has considered:

## HOUSE BILL NO. 358

"An Act relating to an optional exemption from municipal property taxes for certain land from which timber is harvested and for certain improvements used in or necessary to the harvest of timber."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 358(CRA)

"An Act relating to an optional exemption from municipal property taxes for certain land from which timber is harvested and for certain improvements used in or necessary to the harvest of timber; and providing for an effective date."

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

Do pass (7): Murkowski, Halcro, Scalzi, Guess, Kerttula, Meyer, Morgan

The following fiscal note(s) apply to CSHB 358(CRA):

1. Zero, House Community & Regional Affairs Committee

HB 358 was referred to the Rules Committee for placement on the calendar.

**HB 411**

The Health, Education & Social Services Committee has considered:

## HOUSE BILL NO. 411

"An Act relating to physician assistants; providing that a physician assistant is a health care provider covered by certain laws relating to medical malpractice actions; adding physician assistants to the list of providers against whom unfair discrimination relating to health care insurance is prohibited and to the list of providers who can provide proof of disablement or handicap for the purpose of



motor vehicle registration or for the purpose of obtaining a special license plate or a special parking permit; and providing for an effective date."

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

Do pass (5): Dyson, Coghill, Wilson, Cissna, Joule

No recommendation (1): Kohring

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Community & Economic Development

HB 411 was referred to the Labor & Commerce Committee.

#### **HB 420**

The Resources Committee has considered:

HOUSE BILL NO. 420

"An Act relating to the use of water; and providing for an effective date."

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

Do pass (6): Stevens, Green, McGuire, Fate, Chenault, Masek

No recommendation (1): Kerttula

The following fiscal note(s) apply:

Fiscal note(s) forthcoming.

HB 420 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 - Valdez Volleyball Head Coach Rhonda Wegner and the Lady Buccaneers, 2001 Class 3A State Volleyball Champions  
By Representative Harris

Honoring - George M. Taft, Jr.  
By Representative Murkowski; Senator Leman

Honoring - Tammy Streeter  
By Representative James

Commemorating - The Sisters of Providence, 100 Years in Alaska  
By Representative Murkowski

Honoring - Bart LeBon  
By Senator Wilken

Honoring - Bill Bobrick  
By Senator Ellis

Honoring - The Palmer High Hockey Team  
By Senator Green

In Memoriam - Frank Capra  
By Representative Rokeberg

In Memoriam - Robert Willard  
By Representatives Kerttula, Hudson; Senator Elton

In Memoriam - Herbert E. Wilborg  
By Representative Lancaster

In Memoriam - Robert James Hamann Sr.  
By Senator Phillips

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

**HCR 27**

HOUSE CONCURRENT RESOLUTION NO. 27 by the House  
Community & Regional Affairs Committee:

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

was read the first time and referred to the Community & Regional Affairs Committee.

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE BILLS**

**HB 131**

The following was read the second time:

HOUSE BILL NO. 131

"An Act relating to standards for forest resources and practices;  
and providing for an effective date."

with the:

Journal Page

FSH RPT 6DP 1NR	685
FN1: ZERO(DNR)	685
RES RPT 7DP	2177
FN2: ZERO(DNR)	2178

Representative Foster moved and asked unanimous consent that HB 131 be considered engrossed, advanced to third reading, and placed on final passage.

Representative Coghill objected.

The Speaker stated that HB 131 will be in third reading on the February 25, 2002, calendar.

## SECOND READING OF HOUSE RESOLUTIONS

### HCR 20

The following was read the second time:

#### HOUSE CONCURRENT RESOLUTION NO. 20

Relating to declaring September 11, 2002, as Emergency Service Providers and Armed Forces Appreciation Day.

with the:

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MLV RPT CS(MLV) NT 4DP

2277

FN1: ZERO(H.MLV)

2278

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

#### CS FOR HOUSE CONCURRENT RESOLUTION NO. 20(MLV)

Relating to declaring September 11, 2002, as a Day of Remembrance.

There being no objection, it was so ordered.

The question being: "Shall CSHCR 20(MLV) pass the House?" The roll was taken with the following result:

CSHCR 20(MLV)

Second Reading

Final Passage

**YEAS: 32 NAYS: 0 EXCUSED: 8 ABSENT: 0**

Yeas: Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Guess, Harris, Hudson, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, Meyer, Morgan, Moses, Mulder, Murkowski, Ogan, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Wilson

Excused: Bunde, Chenault, Green, Halcro, Hayes, James, McGuire, Williams

And so, CSHCR 20(MLV) passed the House and was referred to the Chief Clerk for engrossment.

### LEGISLATIVE CITATIONS

Representative Foster 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 - Thelma Johnson

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

Honoring - Dan Sage

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

Honoring - Sterling Senior Citizens

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

### UNFINISHED BUSINESS

Representative Foster 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 Green - from 7:30 a.m., March 8 to 9:00 p.m., plane time, March 12, 2002

Representative Murkowski - from 6:56 p.m., March 1 to 9:35 p.m., plane time, March 3, 2002

Representative Williams - from 2:20 p.m., March 8 to 9:45 p.m., plane time, March 12, 2002

Representative Fate - from 6:00 p.m., March 7 to 10:00 p.m., plane time, March 13, 2002 (amended from page 2127)

Representative Kott - withdrawal of previous excused absence from 7:00 a.m., February 23 to 9:30 p.m., plane time, February 24, 2002 (page 2189)

**HCR 20**

Representatives Wilson and Croft added their names as cosponsors to:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 20(MLV)  
Relating to declaring September 11, 2002, as a Day of Remembrance.

**HCR 24**

Representatives Kerttula, Stevens, Croft, Kohring, Wilson, and Guess added their names as cosponsors to:

HOUSE CONCURRENT RESOLUTION NO. 24  
Requesting the Board of Game to clarify regulations regarding donations of big game meat to charitable organizations and the Department of Fish and Game to disseminate information on donating big game meat to charitable organizations.

**HJR 36**

Representative Halcro added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 36  
Proposing an amendment to the Constitution of the State of Alaska relating to limiting the rate of state individual income taxes and sales taxes.

**HB 20**

Representative Kapsner added her name as cosponsor to:

## HOUSE BILL NO. 20

"An Act relating to state aid to municipalities and certain other recipients, and for the village public safety officer program; relating to municipal dividends; relating to the public safety foundation program; and providing for an effective date."

**HB 211**

Representative Wilson added her name as cosponsor to:

## HOUSE BILL NO. 211

"An Act requiring an annual inflation adjustment of the base student allocation used in the formula for state funding of public education; and providing for an effective date."

**HB 313**

Representative Crawford added his name as cosponsor to:

## HOUSE BILL NO. 313

"An Act requiring that the cost of contraceptives be included in certain health care insurance coverage."

**HB 314**

Representative Croft added his name as cosponsor to:

## HOUSE BILL NO. 314

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

**HB 417**

Representative Wilson added her name as cosponsor to:

## HOUSE BILL NO. 417

"An Act relating to adult day services facilities; relating to certain crimes occurring near an adult day services facility; relating to certain contracts for adult day services; relating to reports of harm regarding certain vulnerable adults; and providing for an effective date."

**HB 464**

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 464

"An Act relating to statewide school district correspondence study programs."

**HB 479**

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 479

"An Act relating to a minimum expenditure for the instruction component in a public school budget; and providing for an effective date."

**HB 489**

Representative Kott added his name as cosponsor to:

HOUSE BILL NO. 489

"An Act relating to cruelty to animals."

**HB 493**

Representative Guess added her name as cosponsor to:

HOUSE BILL NO. 493

"An Act relating to assignments of permanent fund dividends; and providing for an effective date."

**ENGROSSMENT**

**HCR 20**

CSHCR 20(MLV) 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 Foster moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 25, 2002. There being no objection, the House adjourned at 10:33 a.m.

Suzi Lowell  
Chief Clerk