

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

April 15, 2002

Ninety-second Day

Pursuant to adjournment the House was called to order by Speaker Porter at 11:02 a.m.

Roll call showed 34 members present. Representatives Morgan, Moses, and Ogan had been previously excused from a call of the House today. Representatives Croft, Halcro, and Williams were absent and their presence was noted later.

The invocation was offered by the Reverend Greg Lindsay of Northern Light United Church. Representative Green moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

In respect of one another's spiritual lives, I'm inviting you to spend a few moments in prayer and reflection. Let us pray.

God of all people, help us to be honest today. Preserve us from false talk, cheap words, and insincere conversation as we seek to serve the people.

Instructed by those who have gone before us, help us honestly say what is on our hearts and minds. Help us to speak the truth in love, but temper our honesty with compassion. Give us the courage to lay aside our anger or despair, and instead find hope and healing in the work that You give us to do.

Gracious God, guide the work of our hands. May we always give the most attention to the people who are most in need. May we never serve with arrogance or, in our honesty, speak words that hurt. May we always strive to bring greatness to this state. Amen.

The Pledge of Allegiance was led by Representative Joule.

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

HJR 44

A message dated April 12, 2002, was read stating the Governor is transmitting the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's office for permanent filing:

SCS FOR CS FOR HOUSE JOINT RESOLUTION NO. 44(RES)
am S(reengrossed)

Strongly urging the President of the United States, the United States Congress, and appropriate federal officials to support the construction and operation of the Alaska Highway Natural Gas Pipeline route.

Legislative Resolve No. 50

**The presence of Representative Halcro was noted.

MESSAGES FROM THE SENATE

A message dated April 12, 2002, was read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 263

CS FOR SENATE BILL NO. 263(RLS) by the Senate Rules Committee, entitled:

"An Act relating to the subsequent acquisition of title to, or an interest in, real property by a person to whom the property has purportedly been granted in fee or fee simple; and providing for an effective date."

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

SB 358

SENATE BILL NO. 358 by the Senate Rules Committee, entitled:

"An Act naming state ferries."

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

REPORTS OF STANDING COMMITTEES

HCR 23

The Health, Education & Social Services Committee has considered:

HOUSE CONCURRENT RESOLUTION NO. 23

Proposing amendments to Uniform Rule 20 of the Alaska State Legislature; and providing for an effective date for the amendments.

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

Do pass (4): Joule, Cissna, Stevens, Wilson

Do not pass (3): Coghill, Kohring, Dyson

The following fiscal note(s) apply:

2. Fiscal, House Health, Education & Social Services Committee

HCR 23 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Williams was noted.

HB 464

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 464

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 464(HES)

"An Act relating to statewide school district correspondence study and to centralized correspondence study."

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

Do pass (5): Coghill, Kohring, Wilson, Stevens, Dyson

The following fiscal note(s) apply to CSHB 464(HES):

1. Zero, House Health, Education & Social Services Committee/Dept. of Education & Early Development

HB 464 was referred to the House Special Committee on Education.

HB 471

The Labor and Commerce Committee has considered:

HOUSE BILL NO. 471

"An Act relating to the definitions of 'net income' and 'unrestricted net income' for purposes of determining the amount of the Alaska Industrial Development and Export Authority's dividend to the state; relating to communities within which rural development loans may be made by the authority; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 471(L&C)

"An Act increasing the maximum amount of loans from the bulk fuel revolving loan fund operated by the Alaska Energy Authority; precluding certain legal action concerning certain technical assistance to rural utilities; relating to powers of the Alaska Energy Authority; relating to the definitions of 'net income' and 'unrestricted net income' for purposes of determining the amount of the Alaska Industrial Development and Export Authority's dividend to the state; relating to communities within which rural development loans may be made by the Alaska Industrial Development and Export Authority; and providing for an effective date."

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

Do pass (4): Meyer, Crawford, Halcro, Kott

No recommendation (1): Hayes

The following fiscal note(s) apply to CSHB 471(L&C):

1. Zero, Dept. of Community & Economic Development

HB 471 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Croft was noted.

INTRODUCTION OF CITATIONS

The following citation was introduced and taken up later as a Special Order of Business:

In Memoriam - Charles Thomas "Tom" Madsen, Sr.
By Representatives Moses, Hudson, Stevens, Kott; Senators Austerman, Halford

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 344**

The following was read the second time:

HOUSE BILL NO. 344

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

with the:	Journal Page
STA RPT CS(STA) 4DP 2NR	2360
FN1: (ADM)	2361
FIN RPT CS(STA) 7DP	2774
FN1: (ADM)	2774

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. 344(STA)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 344(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 344(STA) was read the third time.

The question being: "Shall CSHB 344(STA) pass the House?" The roll was taken with the following result:

CSHB 344(STA)
Third Reading
Final Passage

YEAS: 35 NAYS: 2 EXCUSED: 3 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, McGuire, Meyer, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Nays: Kohring, Masek

Excused: Morgan, Moses, Ogan

And so, CSHB 344(STA) 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 effective date clause. There being no objection, it was so ordered.

CSHB 344(STA) was referred to the Chief Clerk for engrossment.

HB 474

The following was read the second time:

HOUSE BILL NO. 474

"An Act relating to public rights-of-way and easements for surface transportation affecting the Anchorage Coastal Wildlife Refuge."

with the:	Journal Page
CRA RPT CS(CRA) 2DP 4NR	2617
FN1: ZERO(H.CRA)	2617
RES RPT CS(CRA) 3DP 3NR 1AM	2681
FN1: ZERO(H.CRA)	2682

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. 474(CRA)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 474(CRA) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSHB 474(CRA) will be in third reading on tomorrow's calendar.

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 - Airport Heights Elementary, Polar Paw News

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

Honoring - United Way of the Tanana Valley

By Representatives Hayes, Coghill, Fate, James, Whitaker, Davies, Porter, Berkowitz, Bunde, Chenault, Crawford, Croft, Dyson, Guess, Halcro, Harris, Hudson, Joule, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Stevens, Williams, Wilson

Honoring - Alaska State Legislature Data Processing Staff

By Representatives Morgan, Porter, Berkowitz, Bunde, Chenault, Coghill, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Mulder, Murkowski, Ogan, Stevens, Williams, Wilson; Senator Lincoln

Honoring - Pete Ramaglia, 80th Birthday

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

Honoring - Alaska Airlines, Seventy Years of Service

By Senator Leman; Representatives Porter, Berkowitz, Bunde, Chenault, Coghill, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Stevens, Williams, Wilson

Honoring - 2002 Arctic Winter Games, Team Alaska, Senate District S Participants

By Senator Olson; Representatives Joule, Foster, Porter, Berkowitz, Bunde, Chenault, Coghill, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, Hudson, James, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Stevens, Williams, Wilson

In Memoriam - Nancy De Leon

By Representatives Hayes, Coghill, Fate, James, Whitaker, Davies, Porter, Berkowitz, Bunde, Chenault, Crawford, Croft, Dyson, Guess, Halcro, Harris, Hudson, Joule, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Scalzi, Stevens, Williams, Wilson

In Memoriam - Robert Parrish

By Representatives Hayes, Coghill, Fate, James, Whitaker, Davies, Porter, Berkowitz, Bunde, Chenault, Crawford, Croft, Dyson, Guess, Halcro, Harris, Hayes, Hudson, Joule, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Scalzi, Stevens, Williams, Wilson

In Memoriam - Johnie Pugh

By Senators Halford, Phillips; Representatives Dyson, Porter, Berkowitz, Bunde, Chenault, Coghill, Crawford, Croft, Davies, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Scalzi, Stevens, Williams, Wilson

In Memoriam - Captain James Francis Coby

By Senator Leman; Representatives Porter, Berkowitz, Bunde, Chenault, Coghill, Crawford, Croft, Davies, Dyson, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kerttula, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Scalzi, Stevens, Williams, Wilson

RECONSIDERATION

SB 242

Representative Bunde brought up reconsideration of the vote on SB 242 (page 2910).

The following was again before the House in third reading:

SENATE BILL NO. 242

"An Act relating to concealed handgun permittees."

Representative Bunde moved and asked unanimous consent that SB 242 be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

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

Page 1, lines 9 - 10:

Delete "[IF THE PERSON HAS NOT BEEN IN ALASKA FOR MORE THAN 120"

Insert "if the person has not

(1) been in Alaska for more than a 90-day period after entry into the state; and

(2) had an application for a concealed handgun

permit rejected in this state because the person was unqualified under AS 18.65.705 or had a concealed handgun permit revoked or suspended by this state [120"

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

Objection was heard.

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

Delete "**(1)** been in Alaska for more than **a 90-day period after entry into the state; and**
(2)"

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

Representative Bunde objected.

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

SB 242--RECONSIDERATION

Second Reading

Amendment to Amendment No. 1

YEAS: 19 NAYS: 17 EXCUSED: 3 ABSENT: 1

Yeas: Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Green, Harris, James, Kohring, Kott, Masek, McGuire, Meyer, Rokeberg, Whitaker, Williams, Wilson

Nays: Berkowitz, Bunde, Foster, Guess, Halcro, Hayes, Hudson, Joule, Kapsner, Kerttula, Kookesh, Lancaster, Mulder, Murkowski, Porter, Scalzi, Stevens

Excused: Morgan, Moses, Ogan

Absent: Chenault

And so, Amendment to Amendment No. 1 was adopted.

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

SB 242--RECONSIDERATION

Second Reading

Amendment No. 1 as amended

YEAS: 34 NAYS: 3 EXCUSED: 3 ABSENT: 0

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

Nays: Foster, Meyer, Wilson

Excused: Morgan, Moses, Ogan

And so, Amendment No. 1 as amended was adopted.

Representative Berkowitz moved and asked unanimous consent that SB 242 am H be returned to second reading for the specific purpose of considering Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representative Berkowitz:

Page 1, line 9, following "AS 18.65.750 - 18.65.765":

Insert "**provided that the person is not or does not intend to become a resident of the state of Alaska**"

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

Representative Croft objected.

Amendment to Amendment No. 2 was offered by Representative Berkowitz:

Delete "**or does not intend to become**"

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

Objection was heard and withdrawn. There being no further objection, it was so ordered.

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

SB 242 am H--RECONSIDERATION

Second Reading

Amendment No. 2 as amended

YEAS: 9 NAYS: 28 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Hudson, Joule, Kapsner, Kerttula, Kookesh, Murkowski, Porter, Williams

Nays: Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, James, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Mulder, Rokeberg, Scalzi, Stevens, Whitaker, Wilson

Excused: Morgan, Moses, Ogan

And so, Amendment No. 2 as amended was not adopted.

The question to be reconsidered: "Shall SB 242 am H pass the House?" The roll was taken with the following result:

SB 242 am H--RECONSIDERATION

Third Reading

Final Passage

YEAS: 29 NAYS: 8 EXCUSED: 3 ABSENT: 0

Yeas: Bunde, Chenault, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Mulder, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Nays: Berkowitz, Cissna, Joule, Kapsner, Kerttula, Kookesh, Murkowski, Porter

Excused: Morgan, Moses, Ogan

And so, SB 242 am H passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

HB 282

Representative Halcro moved and asked unanimous consent that the following be discharged from the Labor & Commerce Committee for consideration before the House:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 282

"An Act relating to prescription drug benefits under a group health care insurance plan."

Objection was heard.

The Speaker advised members that debate had strayed from the motion and indicated that precedence has long been established that an affirmative vote by a majority of committee members is needed to move a bill from committee.

Representative Halcro withdrew the motion.

SSHB 282 is in the Labor & Commerce Committee with a further referral to the Health, Education & Social Services Committee.

HCR 23

The Speaker added a Finance Committee referral for the following:

HOUSE CONCURRENT RESOLUTION NO. 23

Proposing amendments to Uniform Rule 20 of the Alaska State Legislature; and providing for an effective date for the amendments.

HCR 23 was removed from the Rules Committee and referred to the Finance Committee.

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 Bunde - from 7:00 a.m., April 20 to 5:00 p.m., plane time, April 22 (amended from page 2912); and withdrawal of previous excused absence from 6:56 p.m., April 26 to 10:04 a.m., April 29, 2002 (page 2870)

Representative Hayes - from 7:09 a.m., April 20 to 10:00 a.m., plane time, April 22, 2002

Representative James - from 11:45 a.m. to 1:15 p.m., April 18, 2002

SPECIAL ORDER OF BUSINESS

Representative James moved and asked unanimous consent that the citation, In Memoriam - Charles Thomas "Tom" Madsen, Sr., be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

Representative Hudson moved and asked unanimous consent that all members of the House be shown as cosponsors of the citation. There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that the House approve the citation. There being no objection, the following citation was approved and sent to enrolling:

In Memoriam - Charles Thomas "Tom" Madsen, Sr.

By Representatives Moses, Hudson, Stevens, Kott, Porter, Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Ogan, Rokeberg, Scalzi, Whitaker, Williams, Wilson; Senators Austerman, Halford

UNFINISHED BUSINESS

HB 319

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 319

"An Act relating to civil liability for commercial recreational activities; and providing for an effective date."

HB 448

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 448

"An Act relating to establishing a data base of residential telephone customers who do not wish to receive telephone solicitations, providing that the data base be compiled at no cost to the customers, requiring telephone solicitors to purchase the data base, and requiring paid solicitors to register; and providing for an effective date."

HB 474

Representative Rokeberg added his name as cosponsor to:

CS FOR HOUSE BILL NO. 474(CRA)

"An Act relating to public rights-of-way and easements for surface transportation affecting the Anchorage Coastal Wildlife Refuge."

ENGROSSMENT

HB 344

CASHB 344(STA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 242

SB 242 am H 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.

The following meeting today has been changed as indicated:

Resources Committee

CHANGED TO:

1:15 p.m., 4/15

ADJOURNMENT

Representative James moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 16, 2002. There being no objection, the House adjourned at 12:46 p.m.

Suzi Lowell
Chief Clerk