

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

April 25, 2002

One Hundred Second Day

Pursuant to adjournment and in the absence of Speaker Porter, Representative James assumed the Chair as Speaker Pro Tempore under Rule 4 of the Uniform Rules and called the House to order at 10:07 a.m.

Roll call showed 31 members present. Representative Ogan had been previously excused from a call of the House today. Representatives Porter and Guess were excused from a call of the House today because of illness. Representatives Croft, Kerttula, Kott, Masek, Mulder, and Rokeberg were absent and their presence was noted later.

The invocation was offered by the Reverend Michael Nash of the Cathedral of the Nativity. Representative Hudson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray,

Creator God, we praise You and thank You for the precious gifts of freedom and self-determination. We in Alaska have bound ourselves in a political community and will travel into the future together. Here in these Chambers of the Alaska House of Representatives may the hopes and dreams of each Alaskan, from the greatest to the least, be valued and cherished. In the ancient and honorable tradition of politics, let the advancement of the common good be the paramount goal of each member of this body. Reward them for the diligent work they do in, what at times must seem, a thankless job. We pray You, gracious God. Amen.

The Pledge of Allegiance was led by Representative Coghill.

CERTIFICATION OF THE JOURNAL

Representative Foster, Acting Majority Leader, moved and asked unanimous consent that the journal for the 101st legislative day be approved as certified by the Assistant Chief Clerk. There being no objection, it was so ordered.

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Representative Hudson introduced his granddaughter, Kayla Wilke, Guest Page, from Juneau.

Representative McGuire introduced Christian Aycock, Guest Page, from Juneau.

MESSAGES FROM THE SENATE

Messages dated April 24, 2002, were read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SCR 30

CS FOR SENATE CONCURRENT RESOLUTION NO. 30(RES) by the Senate Resources Committee:

Relating to Alaska Salmon Day.

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

FIRST READING AND REFERENCE OF SENATE BILLS

SB 4

CS FOR SENATE BILL NO. 4(RLS) am by the Senate Rules Committee, entitled:

"An Act relating to optional exemptions from municipal property taxes on residential property and limiting an optional exclusion or exemption to the assessed value of \$10,000 for a residence in a municipality with a total bonded indebtedness that equals or exceeds \$15,000 multiplied by the number of residents in the municipality; and providing for an effective date."

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

SB 185

CS FOR SENATE BILL NO. 185(FIN) am by the Senate Finance Committee, entitled:

"An Act relating to the basis for determining eligibility for and the amount of power cost equalization payments; and providing for an effective date."

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

SB 278

CS FOR SENATE BILL NO. 278(FIN) by the Senate Finance Committee, entitled:

"An Act requiring a good faith effort to purchase property before that property is taken through eminent domain; and providing for an effective date."

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

**The presence of Representative Kerttula was noted.

REPORTS OF STANDING COMMITTEES

The Judiciary Committee has reviewed the qualifications of:

Dr. Sheila Selkregg
Board of Governors of the Alaska Bar

and recommends the following:

Confirm (5): Berkowitz, Meyer, James, Kookesh, Rokeberg

No recommendation (1): Coghill

The report was signed by Representative Rokeberg, Chair.

HB 180

The Judiciary Committee has considered:

HOUSE BILL NO. 180

"An Act requiring child services providers to obtain criminal background checks for child services workers."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 180(JUD)

"An Act relating to persons who provide services related to children; establishing a legislative task force on child services; and providing for an effective date."

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

Do pass (1): Meyer

No recommendation (5): Berkowitz, Coghill, James, Kookesh, Rokeberg

The following fiscal note(s) apply to CSHB 180(JUD):

1. Zero, Dept. of Health & Social Services

HB 180 was referred to the Rules Committee for placement on the calendar.

HB 266

The Resources Committee has considered:

HOUSE BILL NO. 266

"An Act establishing and relating to the Joint Federal and State Navigable Waters Commission for Alaska; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 266(RES)
(same title)

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

Do pass (7): Stevens, McGuire, Fate, Kerttula, Kapsner, Masek, Scalzi

The following fiscal note(s) apply to CSHB 266(RES):

1. Fiscal, House Resources Committee/Dept. of Natural Resources

HB 266 was referred to the Finance Committee.

HB 271

The Judiciary Committee has considered:

HOUSE BILL NO. 271

"An Act relating to recovery of punitive damages resulting from an aviation accident; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 271(JUD)
(same title)

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

Do pass (1): Rokeberg

No recommendation (4): Coghill, Meyer, James, Kookesh

Amend (1): Berkowitz

The following fiscal note(s) apply to CSHB 271(JUD):

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

HB 271 was referred to the Rules Committee for placement on the calendar.

HB 277

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 277

"An Act relating to liens by owners of self-storage facilities; distinguishing self-storage facility liens from another type of storage lien; and excluding self-storage liens from the treatment of certain unclaimed property."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 277(L&C)

"An Act relating to self-storage facilities; distinguishing self-storage facility liens from another type of storage lien; and excluding self-storage liens from the Uniform Residential Landlord and Tenant Act and the treatment of certain unclaimed property."

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

Do pass (3): Rokeberg, Crawford, Murkowski

No recommendation (1): Kott

The following fiscal note(s) apply to CSHB 277(L&C):

1. Zero, House Labor & Commerce Committee

HB 277 was referred to the Judiciary Committee.

**The presence of Representative Masek was noted.

HB 323

The State Affairs Committee has considered:

HOUSE BILL NO. 323

"An Act relating to emergency and disaster relief forces as state employees for purposes of workers' compensation benefits; relating to the Emergency Management Assistance Compact and the implementation of the compact; and providing for an effective date."

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

Do pass (7): Wilson, Crawford, Stevens, James, Fate, Hayes, Coghill

The following fiscal note(s) apply:

1. Zero, Dept. of Military & Veterans' Affairs

HB 323 was referred to the Labor & Commerce Committee.

HB 350

The Finance Committee has considered:

HOUSE BILL NO. 350

"An Act relating to terroristic threatening."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 350(FIN)

"An Act relating to murder, conspiracy, criminal mischief, and terroristic threatening; and providing for an effective date."

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

Do pass (9): Bunde, Davies, Harris, Croft, Moses, Lancaster, Hudson, Foster, Williams

The following fiscal note(s) apply to CSHB 350(FIN):

1. Zero, Alaska Court System
3. Indeterminate, Dept. of Law
4. Indeterminate, Dept. of Administration
5. Indeterminate, Dept. of Corrections

HB 350 is on today's calendar.

HB 448

The Labor & Commerce Committee has considered:

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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 448(L&C)

"An Act relating to establishing 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, and requiring telephonic solicitors who are otherwise exempt from registration as telephone solicitors to file with the Department of Law and purchase the data base; and providing for an effective date."

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

Do pass (1): Crawford

No recommendation (5): Rokeberg, Meyer, Hayes, Halcro, Murkowski

The following fiscal note(s) apply to CSHB 448(L&C):

1. Fiscal, Dept. of Law

HB 448 was referred to the Judiciary Committee.

SB 37

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 37(FIN)

"An Act relating to collective negotiation by competing physicians with health benefit plans, to health benefit plan contracts, to the application of antitrust laws to agreements involving providers and groups of providers affected by collective negotiations, and to the effect of the collective negotiation provisions on health care providers."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 37(JUD)
(same title)

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

Do not pass (1): Berkowitz

No recommendation (5): Meyer, Coghill, James, Kookesh, Rokeberg

The following fiscal note(s) apply to HCS CSSB 37(JUD):

6. Zero, Dept. of Administration

8. Fiscal, Dept. of Law

9. Zero, Dept. of Community & Economic Development

CSSB 37(FIN) was referred to the Finance Committee.

**The presence of Representative Mulder was noted.

SB 222

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 222(FIN)

"An Act relating to certain motor vehicles that are required to yield to following traffic."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 222(JUD)
(same title)

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

Do pass (1): Rokeberg

No recommendation (4): Meyer, Coghill, James, Kookesh

The following fiscal note(s) apply to HCS CSSB 222(JUD):

1. Fiscal, Dept. of Transportation & Public Facilities
2. Zero, Dept. of Public Safety

CSSB 222(FIN) was referred to the Finance Committee.

SB 263

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 263(RLS)

"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."

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

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

No recommendation (1): Berkowitz

The following fiscal note(s) apply:

1. Zero, Senate Labor & Commerce Committee

CSSB 263(RLS) was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Kott was noted.

REPORTS OF SPECIAL COMMITTEES

HB 293

The House Special Committee on Education has considered:

HOUSE BILL NO. 293

"An Act relating to the teachers' housing loan program in the Alaska Housing Finance Corporation; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 293(EDU)
(same title)

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

Do pass (5): Porter, Joule, Guess, Wilson, Stevens

No recommendation (2): Green, Bunde

The following fiscal note(s) apply to CSHB 293(EDU):

1. Zero, Dept. of Revenue

HB 293 was referred to the Finance Committee.

**The presence of Representative Croft was noted.

HB 464

The House Special Committee on Education 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(EDU)

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

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

Do pass (3): Wilson, Stevens, Green

No recommendation (3): Joule, Guess, Bunde

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

2. Fiscal, Dept. of Education & Early Development

HB 464 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 - Chief Mel J. Personett Upon His Retirement
By Representatives Kerttula, Hudson; Senator Elton

Honoring - Sitka Resident Harriet Louisa Stein on the Occasion of Her
100th Birthday, June 26, 2002
By Representative Wilson; Senator Taylor

Honoring - Chugiak High School Mustangs, 2002 State Wrestling
Champions
By Senators Halford, Phillips; Representative Dyson

In Memoriam - Joseph "Angukarnaq" Guy
By Representative Kapsner

In Memoriam - William H. Scott, Longtime Alaskan
By Representative Murkowski

In Memoriam - Dan R. Marsters
By Representative Lancaster

In Memoriam - Emma Josephine "Jo" Godes
By Representative Lancaster

In Memoriam - Edward James Bradley
By Senator Taylor; Representative Wilson

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 525

HOUSE BILL NO. 525 by the House Finance Committee, entitled:

"An Act relating to the issuance of general obligation bonds for
the purpose of paying the cost of deferred maintenance of public
facilities; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 350**

The following was read the second time:

HOUSE BILL NO. 350
 "An Act relating to terroristic threatening."

with the:	Journal Page
TRA RPT CS(TRA) NT 5NR 1AM	2334
FN1: ZERO(CRT)	2335
FN2: INDETERMINATE(ADM)	2335
FN3: INDETERMINATE(LAW)	2335
JUD RPT CS(JUD) NT 1DP 3NR 1AM	3000
FN1: ZERO(CRT)	3001
FN3: INDETERMINATE(LAW)	3001
FN4: INDETERMINATE(ADM)	3001
FN5: INDETERMINATE(COR)	3001
FIN RPT CS(FIN) NT 9DP	3127
FN1: ZERO(CRT)	3128
FN3: INDETERMINATE(LAW)	3128
FN4: INDETERMINATE(ADM)	3128
FN5: INDETERMINATE(COR)	3128

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

CS FOR HOUSE BILL NO. 350(FIN)
 "An Act relating to murder, conspiracy, criminal mischief, and terroristic threatening; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Davies and McGuire:

Page 8, line 30:

Delete "with intent to"
Insert "and as a result"

Page 8, line 31:

Delete "place a person in"
Insert "places a person in reasonable"

Page 9, lines 1 and 3:

Delete "cause"
Insert "causes"

Representative Davies moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered.

**The presence of Representative Rokeberg was noted.

Representative Foster moved and asked unanimous consent that CSHB 350(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 350(FIN) am was read the third time.

The question being: "Shall CSHB 350(FIN) am pass the House?" The roll was taken with the following result:

CSHB 350(FIN) am
Third Reading
Final Passage

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

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

Excused: Guess, Ogan, Porter

And so, CSHB 350(FIN) am passed the House.

Representative Foster 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 350(FIN) am was referred to the Chief Clerk for engrossment.

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Representative Kerttula introduced Electra Gardinier and Jessica Valero, Guest Pages, from Juneau.

HB 472

The following was read the second time:

HOUSE BILL NO. 472

"An Act relating to persons who buy and sell secondhand articles and to certain persons who lend money on secondhand articles."

with the:	Journal Page
L&C RPT CS(L&C) NT 5NR 1AM	2752
FN1: ZERO(DPS)	2753
JUD RPT CS(JUD) NT 1DP 5NR	3061
FN1: ZERO(DPS)	3061
FN2: ZERO(DPS)	3061

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

CS FOR HOUSE BILL NO. 472(JUD)

"An Act relating to certain persons who buy and sell secondhand articles and to certain persons who lend money on secondhand articles."

There being no objection, it was so ordered.

Representative Foster moved and asked unanimous consent that CSHB 472(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 472(JUD) was read the third time.

Representative Coghill moved and asked unanimous consent that CSHB 472(JUD) 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 Representative Coghill:

Page 3, line 30:

Delete "30"

Insert "15"

Representative Coghill moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered.

The question being: "Shall CSHB 472(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 472(JUD) am

Third Reading

Final Passage

YEAS: 33 NAYS: 3 EXCUSED: 3 ABSENT: 1

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Dyson, Fate, Foster, Green, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kookesh, Lancaster, McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Nays: Davies, Kohring, Masek

Excused: Guess, Ogan, Porter

Absent: Kott

And so, CSHB 472(JUD) am passed the House and was referred to the Chief Clerk for engrossment.

HB 499

The following was read the second time:

HOUSE BILL NO. 499

"An Act relating to the sale, lease, exchange, or other disposition of business property and assets."

with the:	Journal Page
JUD RPT CS(JUD) NT 2DP 4NR	3063
FN1: ZERO(CED)	3064

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

CS FOR HOUSE BILL NO. 499(JUD)

"An Act declaring legislative intent to reject the continuity of enterprise exception to the doctrine of successor liability adopted in *Savage Arms, Inc. v. Western Auto Supply*, 18 P.3d 49 (Alaska 2001) as it relates to products liability; providing that a successor corporation or other business entity that acquires assets of a predecessor corporation or other business entity is subject to liability for harm to persons or property caused by a defective product sold or otherwise distributed commercially by the predecessor only if the acquisition is accompanied by an agreement for the successor to assume the liability, results from a fraudulent conveyance to escape liability for the debts or liabilities of the predecessor, constitutes a consolidation or merger with the predecessor, or results in the successor's becoming a continuation of the predecessor; defining 'business entity' that acquires assets to include a sole proprietorship; and applying this Act to the sale, lease, exchange, or other disposition of assets by a corporation, a limited liability company, a partnership, a limited liability partnership, a limited partnership, a sole proprietorship, or other business entity that occurs before, on, or after the effective date of this Act."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Berkowitz:

Page 2, line 2 (title amendment):

Delete "**before, on, or**"

Page 2, line 30:

Delete "before, on, or"

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

Representative Rokeberg objected.

Representative Mulder placed a call of the House.

The call was satisfied.

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

CSHB 499(JUD)

Second Reading

Amendment No. 1

YEAS: 12 NAYS: 25 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Cissna, Coghill, Crawford, Croft, Davies, Halcro, Hudson, Joule, Kapsner, Kerttula, Kookesh

Nays: Bunde, Chenault, Dyson, Fate, Foster, Green, Harris, Hayes, James, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Guess, Ogan, Porter

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Kerttula:

Page 2, line 21, following "predecessor;":

Delete "or"

Page 2, line 23:

Delete "."

Insert "; or"

Page 2, following line 23:

Insert a new paragraph to read:

"(5) the transfer amounts to little more than a sham transaction to avoid liabilities."

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

Objection was heard.

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

Delete "sham"

Insert "deceptive"

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

Representative Rokeberg objected.

The Speaker Pro Tempore stated that, without objection, CSHB 499(JUD) would be moved to the bottom of the calendar.

HB 523

The following was read the second time:

HOUSE BILL NO. 523

"An Act naming the state airport at Dutch Harbor the Charles Thomas Madsen, Sr., Airport."

with the:

Journal Page

TRA RPT CS(TRA) NT 6DP

3109

FN1: ZERO(DOT)

3109

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

CS FOR HOUSE BILL NO. 523(TRA)

"An Act naming the state airport at the City of Unalaska the Tom Madsen Airport."

There being no objection, it was so ordered.

Representative Foster moved and asked unanimous consent that CSHB 523(TRA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 523(TRA) was read the third time.

The question being: "Shall CSHB 523(TRA) pass the House?" The roll was taken with the following result:

CSHB 523(TRA)

Third Reading

Final Passage

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

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Dyson, Fate, Foster, Green, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Williams, Wilson

Excused: Guess, Ogan, Porter

Absent: Davies, Kott, Whitaker

And so, CSHB 523(TRA) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 11

The following was read the second time:

CS FOR SENATE BILL NO. 11(FIN)

"An Act relating to required school attendance; and providing for an effective date."

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with the:	Journal Page
EDU RPT 4DP 1NR	2778
FN2: ZERO(EED)	2778
HES RPT 3DP 1NR 2AM	2970
FN2: ZERO(EED)	2970

Representative Foster moved and asked unanimous consent that CSSB 11(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Coghill objected.

CSSB 11(FIN) will be in third reading on tomorrow's calendar.

SB 244

The following was read the second time:

CS FOR SENATE BILL NO. 244(RLS)
"An Act extending the termination date of the Board of Examiners in Optometry; and relating to optometrists."

with the:	Journal Page
L&C RPT 7DP	2581
FN1: (CED)	2581
FIN RPT 9DP	3094
FN1: (CED)	3094

Representative Foster moved and asked unanimous consent that CSSB 244(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 244(RLS) was read the third time.

The question being: "Shall CSSB 244(RLS) pass the House?" The roll was taken with the following result:

CSSB 244(RLS)
 Third Reading
 Final Passage

YEAS: 31 NAYS: 0 EXCUSED: 3 ABSENT: 6

Yeas: Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Dyson, Fate, Foster, Green, Harris, Hayes, Hudson, James, Joule, Kapsner, Kohring, Kookesh, Lancaster, Masek, McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Williams, Wilson

Excused: Guess, Ogan, Porter

Absent: Berkowitz, Davies, Halcro, Kerttula, Kott, Whitaker

And so, CSSB 244(RLS) passed the House, was signed by the Speaker Pro Tempore and Acting Chief Clerk and returned to the Senate.

SB 358

The following was read the second time:

SENATE BILL NO. 358
 "An Act naming state ferries."

with the:	Journal Page
TRA RPT 6DP	3110
FN1: ZERO(DOT)	3111

Representative Foster moved and asked unanimous consent that SB 358 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 358 was read the third time.

The question being: "Shall SB 358 pass the House?" The roll was taken with the following result:

SB 358
Third Reading
Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 3 ABSENT: 5

Yeas: Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Harris, Hayes, Hudson, James, Joule, Kapsner, Kohring, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Williams, Wilson

Excused: Guess, Ogan, Porter

Absent: Berkowitz, Halcro, Kerttula, Moses, Whitaker

And so, SB 358 passed the House, was signed by the Speaker Pro Tempore and Acting Chief Clerk and returned to the Senate.

THIRD READING OF HOUSE BILLS

HB 246

The following, which was advanced to third reading from the April 24, 2002, calendar (page 3112), was read the third time:

CS FOR HOUSE BILL NO. 246(JUD)

"An Act relating to regulation of a person providing insurance for the cost of medical care, to confidentiality of insurance records, to insurance hearings, to insurance fees, to annual and quarterly statements by insurers, to managed care insurance, to taxes on insurance, to insurer certificates of authority, to risk based capital for insurers, to unauthorized and nonadmitted insurers, to surplus lines insurance, to health insurance, to life insurance, to annuity insurance, to consumer credit insurance, to insurer liquidation, to multiple employer welfare arrangements, to the Alaska Insurance Guaranty Association, to hospital and medical service corporations, and to regulation of insurance producers, agents, brokers, managers, and adjusters; and providing for an effective date."

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

The question being: "Shall CSHB 246(JUD) pass the House?" The roll was taken with the following result:

CSHB 246(JUD)

Third Reading

Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 3 ABSENT: 5

Yeas: Bunde, Chenault, Cissna, Coghill, Crawford, Davies, Dyson, Fate, Foster, Green, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Williams, Wilson

Excused: Guess, Ogan, Porter

Absent: Berkowitz, Croft, Halcro, Moses, Whitaker

And so, CSHB 246(JUD) passed the House.

Representative Foster 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 246(JUD) was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HCR 23

The following was read the second time:

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.

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with the:	Journal Page
EDU RPT 6DP	2227
FN1: ZERO(H.EDU)	2228
HES RPT 4DP 3DNP	2923
FN2: (H.HES)	2923
FIN RPT 6DP 1NR	3107
FN3: ZERO(LAA)	3107

Representative Bunde placed a call of the House and lifted the call.

The question being: "Shall HCR 23 pass the House?" The roll was taken with the following result:

HCR 23

Second Reading

Final Passage

YEAS: 28 NAYS: 7 EXCUSED: 3 ABSENT: 2

Yeas: Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Foster, Green, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kookesh, Kott, Lancaster, Meyer, Morgan, Mulder, Murkowski, Scalzi, Stevens, Williams, Wilson

Nays: Coghill, Dyson, Fate, Kohring, Masek, Rokeberg, Whitaker

Excused: Guess, Ogan, Porter

Absent: McGuire, Moses

And so, HCR 23 passed the House.

Representative Rokeberg later gave notice of reconsideration of the vote on HCR 23, and the reconsideration was taken up then.

SECOND READING OF HOUSE BILLS

(continued)

HB 499

The following, which had been moved to the bottom of the calendar (page 3140), was again before the House with Amendment to Amendment No. 2 moved and pending:

CS FOR HOUSE BILL NO. 499(JUD)

"An Act declaring legislative intent to reject the continuity of enterprise exception to the doctrine of successor liability adopted in *Savage Arms, Inc. v. Western Auto Supply*, 18 P.3d 49 (Alaska 2001) as it relates to products liability; providing that a successor corporation or other business entity that acquires assets of a predecessor corporation or other business entity is subject to liability for harm to persons or property caused by a defective product sold or otherwise distributed commercially by the predecessor only if the acquisition is accompanied by an agreement for the successor to assume the liability, results from a fraudulent conveyance to escape liability for the debts or liabilities of the predecessor, constitutes a consolidation or merger with the predecessor, or results in the successor's becoming a continuation of the predecessor; defining 'business entity' that acquires assets to include a sole proprietorship; and applying this Act to the sale, lease, exchange, or other disposition of assets by a corporation, a limited liability company, a partnership, a limited liability partnership, a limited partnership, a sole proprietorship, or other business entity that occurs before, on, or after the effective date of this Act."

Representative Berkowitz placed a call of the House.

Representative Kerttula moved and asked unanimous consent to withdraw Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Berkowitz:

Page 2, line 21, following "predecessor;":

Delete "or"

Page 2, line 23:

Delete "."

Insert "; or"

Page 2, following line 23:

Insert a new paragraph to read:

"(5) results in the transfer of the business as an ongoing concern."

Representative Berkowitz moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Rokeberg objected.

Representative Berkowitz lifted the call.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSHB 499(JUD)
Second Reading
Amendment No. 3

YEAS: 7 NAYS: 29 EXCUSED: 3 ABSENT: 1

Yeas: Berkowitz, Cissna, Crawford, Joule, Kapsner, Kookesh, Moses

Nays: Bunde, Chenault, Coghill, Croft, Davies, Dyson, Fate, Foster, Green, Halcro, Harris, Hayes, Hudson, James, Kerttula, Kohring, Kott, Lancaster, Masek, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Guess, Ogan, Porter

Absent: McGuire

And so, Amendment No. 3 was not adopted.

Amendment No. 4 was offered by Representative Davies:

Page 2, line 21, following "predecessor;":
Delete "or"

Page 2, line 23:
Delete "."
Insert "; or"

Page 2, following line 23:
Insert a new paragraph to read:
"(5) the transfer has the effect of shielding a person from legitimate liability."

Representative Davies moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Rokeberg objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

CSHB 499(JUD)
Second Reading
Amendment No. 4

YEAS: 14 NAYS: 23 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Bunde, Cissna, Crawford, Croft, Davies, Hayes, Hudson, Joule, Kapsner, Kerttula, Kookesh, Moses, Wilson

Nays: Chenault, Coghill, Dyson, Fate, Foster, Green, Halcro, Harris, James, Kohring, Kott, Lancaster, Masek, McGuire, Meyer, Morgan, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Whitaker, Williams

Excused: Guess, Ogan, Porter

And so, Amendment No. 4 was not adopted.

Representative Foster moved and asked unanimous consent that CSHB 499(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

CSHB 499(JUD) will be in third reading on tomorrow's calendar.

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 - The UAF Hockey Team

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

Honoring - Chugiak High School Mock Trial Law Team

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

In Memoriam - Costa Alton

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

UNFINISHED BUSINESS**HB 464**

The Speaker Pro Tempore added a Finance Committee referral for the following:

HOUSE BILL NO. 464

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

HB 464 was removed from the Rules Committee and referred to the Finance Committee.

RECONSIDERATION**HCR 23**

Representative Rokeberg gave notice of reconsideration of the vote on HCR 23 (page 3146).

Representative Rokeberg moved and asked unanimous consent that the reconsideration of HCR 23 be taken up on the same day.

There being no objection, it was so ordered.

Representative Davies placed a call of the House and lifted the call.

The following was again before the House in second reading:

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 question to be reconsidered: "Shall HCR 23 pass the House?"
The roll was taken with the following result:

HCR 23--RECONSIDERATION

Second Reading

Final Passage

YEAS: 29 NAYS: 7 EXCUSED: 3 ABSENT: 1

Yeas: Berkowitz, Bunde, Chenault, Cissna, Crawford, Croft, Davies, Foster, Green, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kookesh, Kott, Lancaster, McGuire, Morgan, Mulder, Murkowski, Rokeberg, Scalzi, Stevens, Williams, Wilson

Nays: Coghill, Dyson, Fate, Kohring, Masek, Meyer, Whitaker

Excused: Guess, Ogan, Porter

Absent: Moses

And so, HCR 23 passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

Representative Foster moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Williams - from 10:44 a.m., April 26 to 8:33 p.m., plane time, April 28, 2002

HB 350

Representative Hudson added his name as cosponsor to:

CS FOR HOUSE BILL NO. 350(FIN) am
"An Act relating to murder, conspiracy, criminal mischief, and terroristic threatening; and providing for an effective date."

ENGROSSMENT**HCR 23**

HCR 23 was engrossed, signed by the Speaker Pro Tempore and Acting Chief Clerk and transmitted to the Senate for consideration.

HB 246

CASHB 246(JUD) was engrossed, signed by the Speaker Pro Tempore and Acting Chief Clerk and transmitted to the Senate for consideration.

HB 350

CASHB 350(FIN) am was engrossed, signed by the Speaker Pro Tempore and Acting Chief Clerk and transmitted to the Senate for consideration.

HB 471

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker Pro Tempore and Acting Chief Clerk and transmitted to the Senate for consideration:

CS FOR HOUSE BILL NO. 471(CRA)
"An Act increasing the maximum amount of loans from the bulk fuel revolving loan fund operated by 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."

HB 472

CSHB 472(JUD) am was engrossed, signed by the Speaker Pro Tempore and Acting Chief Clerk and transmitted to the Senate for consideration.

HB 523

CSHB 523(TRA) was engrossed, signed by the Speaker Pro Tempore and Acting Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT**HCR 19**

The following was enrolled, signed by the Speaker and Acting Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 1:27 p.m., April 24, 2002:

HOUSE CONCURRENT RESOLUTION NO. 19

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 176; prohibiting certain coercive activity by distributors, relating to certain required distributor payments and purchases; prohibiting distributors from requiring certain contract terms as a condition for certain acts related to distributorship and ancillary agreements; allowing dealers to bring certain court actions against distributors for certain relief; and exempting from the provisions of the Act franchises regulated by the federal Petroleum Marketing Practices Act, situations regulated by the Alaska Gasoline Products Leasing Act, and distributorship agreements relating to motor vehicles required to be registered under AS 28.10.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

Majority Caucus Speaker's Chamber 5:00 p.m., 4/25

HOUSE JOURNAL

3154

April 25, 2002

The following meeting today has been changed as indicated:

Transportation Committee
CHANGED TO:

1:30 p.m., 4/25

ADJOURNMENT

Representative Foster moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 26, 2002. There being no objection, the House adjourned at 12:58 p.m.

Solyra Sepulveda
Assistant Chief Clerk