

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

February 8, 2002

Twenty-sixth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:02 a.m.

Roll call showed 35 members present. Representatives Berkowitz, Green, and Kerttula had been previously excused from a call of the House today. Representative Rokeberg was absent and his presence was noted later.

Representative James moved and asked unanimous consent that Representative Kapsner be excused from a call of the House today. There being no objection, it was so ordered.

The invocation was offered by the Reverend George Walter of St. Brendan's Episcopal Church. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Almighty God our heavenly Father, send down upon those who hold office in this House the spirit of wisdom, charity, and justice; that with steadfast purpose they may faithfully serve in their office to promote the well-being of all people; through Jesus Christ our Lord. Amen.

The Pledge of Allegiance was led by Representative Harris.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 24th and 25th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

The following were received:

Dept. of Fish & Game
Office of the Commissioner
Status of Brown Bears and Other Natural
Resources in the McNeil River State Game
Sanctuary and Refuge in 2001
Annual Report, January 2002
(as required by AS 16.20.041 and AS 16.20.160)

Dept. of Health & Social Services
Division of Alcoholism and Drug Abuse
State of Alaska Directory of Approved
Alcoholism and Drug Abuse Programs
January 2002

Dept. of Law
Dept. of Public Safety
State Enforcement Activities
Related to Charitable Gaming
(as required by AS 05.15.090)

REPORTS OF STANDING COMMITTEES**HJR 25**

The State Affairs Committee has considered:

HOUSE JOINT RESOLUTION NO. 25
Proposing an amendment to the Constitution of the State of
Alaska relating to initiative and referendum petitions.

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

Do pass (5): Wilson, Stevens, James, Fate, Coghill

Do not pass (2): Crawford, Hayes

The following fiscal note(s) apply:

1. Fiscal, Office of the Governor

HJR 25 was referred to the Judiciary Committee.

HB 56

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 56

"An Act relating to minimum wages."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 56(L&C)

"An Act relating to minimum wages; and providing for an effective date."

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

Do pass (1): Kott

Do not pass (1): Rokeberg

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

The following fiscal note(s) apply to CSHB 56(L&C):

1. Zero, Dept. of Administration/All Depts.
2. Fiscal, Dept. of Health & Social Services

HB 56 was referred to the Finance Committee.

HB 131

The Resources Committee has considered:

HOUSE BILL NO. 131

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

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

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

The following fiscal note(s) apply:

2. Zero, Dept. of Natural Resources

HB 131 was referred to the Rules Committee for placement on the calendar.

HB 213

The State Affairs Committee has considered:

HOUSE BILL NO. 213

"An Act relating to initiative and referendum petitions; and providing for an effective date."

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

Do pass (5): Wilson, Stevens, James, Fate, Coghill

Do not pass (1): Crawford

No recommendation (1): Hayes

The following fiscal note(s) apply:

1. Zero, Office of the Governor

HB 213 was referred to the Judiciary Committee.

HB 297

The Judiciary 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 Representative Rokeberg, Chair, with the following individual recommendations:

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

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 Finance Committee.

HB 362

The Judiciary Committee has considered:

HOUSE BILL NO. 362

"An Act extending the termination date of the Board of Governors of the Alaska Bar Association."

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

Do pass (3): Meyer, Coghill, Rokeberg

No recommendation (1): Ogan

The following fiscal note(s) apply:

1. Zero, Alaska Court System

HB 362 was referred to the Finance Committee.

SJR 23

The Judiciary Committee has considered:

CS FOR SENATE JOINT RESOLUTION NO. 23(FIN) am
Proposing amendments to the Constitution of the State of Alaska
relating to an appropriation limit and a spending limit.

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO.
23(JUD)
(same title)

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

Do pass (5): Meyer, Coghill, Ogan, James, Rokeberg

The following fiscal note(s) apply to HCS CSSJR 23(JUD):

2. Fiscal, Office of the Governor

CSSJR 23(FIN) am was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES

HB 211

The House Special Committee on Education has considered:

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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 211(EDU)
(same title)

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

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

No recommendation (2): Porter, Bunde

The following fiscal note(s) apply to CSHB 211(EDU):

1. Fiscal, Dept. of Education & Early Development

HB 211 was referred to the Health, Education & Social Services Committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 37

HOUSE JOINT RESOLUTION NO. 37 by Representative Kott:

Congratulating Alaska Airlines on its 70th Anniversary.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 390

HOUSE BILL NO. 390 by Representative McGuire, entitled:

"An Act extending the termination dates of certain activities and salmon marketing programs of the Alaska Seafood Marketing Institute and of the salmon marketing tax; expanding the allowable use of that tax for the salmon marketing programs of the Alaska

Seafood Marketing Institute; relating to the Alaska Seafood Marketing Institute's salmon marketing committee; and providing for an effective date."

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

HB 391

HOUSE BILL NO. 391 by the House Rules Committee by request of the Legislative Budget & Audit Committee, entitled:

"An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date."

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

HB 392

HOUSE BILL NO. 392 by Representative Harris, entitled:

"An Act relating to the use and appropriation of water."

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

HB 393

HOUSE BILL NO. 393 by Representative Stevens, entitled:

"An Act relating to unfair and deceptive trade practices and to the sale of business opportunities; amending Rules 4 and 73, Alaska Rules of Civil Procedure; and providing for an effective date."

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

HB 394

HOUSE BILL NO. 394 by Representative Rokeberg, entitled:

"An Act relating to adjustments to royalty reserved to the state to encourage otherwise uneconomic production of oil and gas; and providing for an effective date."

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

HB 395

HOUSE BILL NO. 395 by Representative Crawford, entitled:

"An Act prohibiting discrimination by credit rating or credit scoring in insurance rates; and providing for an effective date."

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

HB 396

HOUSE BILL NO. 396 by the House Judiciary Committee by request, entitled:

"An Act relating to a surcharge on certain offenses for law enforcement equipment."

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

HB 397

HOUSE BILL NO. 397 by the House Transportation Committee, entitled:

"An Act exempting a person driving a snowmobile from driver licensing requirements."

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

HB 398

HOUSE BILL NO. 398 by Representatives Scalzi and Mulder, entitled:

"An Act relating to disposition of income of the Alaska permanent fund; 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 298**

The following was read the second time:

HOUSE BILL NO. 298

"An Act relating to legislative approval of certain land leases by the Alaska Railroad Corporation."

with the:	Journal Page
TRA RPT CS(TRA) NT 6DP	2110
FN1: ZERO(CED)	2110
L&C RPT CS(L&C) NT 6DP	2162
FN1: ZERO(CED)	2163

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. 298(L&C)

"An Act relating to authorizing the Alaska Railroad Corporation to lease land for a period of up to 55 years."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 298(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 298(L&C) was read the third time.

The question being: "Shall CSHB 298(L&C) pass the House?" The roll was taken with the following result:

CSHB 298(L&C)

Third Reading

Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 4 ABSENT: 1

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

Excused: Berkowitz, Green, Kapsner, Kerttula

Absent: Rokeberg

And so, CSHB 298(L&C) passed the House and was referred to the Chief Clerk for engrossment.

* * * * *

Representative Mulder introduced Audra Gentz, Guest Page, from Anchorage.

HB 291

The following was read the second time:

HOUSE BILL NO. 291

"An Act relating to the requirements for obtaining a residential contractor endorsement."

with the:

Journal Page

L&C RPT CS(L&C) 6DP

2162

FN1: ZERO(CED)

2162

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. 291(L&C)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 291(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 291(L&C) was read the third time.

**The presence of Representative Rokeberg was noted.

The question being: "Shall CSHB 291(L&C) pass the House?" The roll was taken with the following result:

CSHB 291(L&C)
Third Reading
Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 4 ABSENT: 1

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

Excused: Berkowitz, Green, Kapsner, Kerttula

Absent: Moses

And so, CSHB 291(L&C) passed the House and was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 245

The following, which was advanced to third reading from the February 6, 2002, calendar (page 2166), was read the third time:

CS FOR HOUSE BILL NO. 245(L&C)
"An Act relating to marital and family therapists."

Representative Wilson moved and asked unanimous consent that CSHB 245(L&C) 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 Wilson:

Page 4, lines 1 - 6:

Delete all material and insert:

"(6) a disclosure revealing a communication about an act that the licensee has reasonable cause to suspect constitutes unlawful or unethical conduct that would be grounds for imposition of disciplinary sanctions by a person licensed to provide health or mental health services, if the disclosure is made only to the licensing board with jurisdiction over the person who allegedly committed the act, and the disclosure is made in good faith."

Page 5, line 20, following "rate;":

Insert "(5) a description of the exception to confidentiality contained in AS 08.63.200 (a)(6); and"

Renumber the following paragraph accordingly.

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

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

The question being: "Shall CSHB 245(L&C) am pass the House?"
The roll was taken with the following result:

CSHB 245(L&C) am
 Third Reading
 Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 4 ABSENT: 1

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

Excused: Berkowitz, Green, Kapsner, Kerttula

Absent: Moses

And so, CSHB 245(L&C) am passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HJR 30

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 30

Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

with the:	Journal Page
STA RPT 5DP 1NR	2025
FN1: ZERO(H.STA/LAA)	2026
JUD RPT 4DP	2137
FN1: ZERO(H.STA/LAA)	2138

Representative James moved and asked unanimous consent that HJR 30 be considered engrossed, advanced to third reading, and placed on final passage.

Representative Joule objected.

The Speaker stated that HJR 30 will be in third reading on the February 11, 2002, calendar.

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 Coghill - from 7:19 a.m., March 23 to 6:16 p.m., plane time, March 28, 2002

Representative Crawford - from 7:00 a.m., February 9 to 7:00 p.m., February 11, 2002

Representative Davies - from 2:00 p.m., February 10 to 10:00 a.m., plane time, February 19, 2002

Representative Fate - from 4:00 p.m., February 15 to 10:00 a.m., plane time, February 19, 2002

Representative Hayes - from 2:05 p.m., February 21 to 7:59 p.m., plane time, February 24, 2002

Representative Joule - from 10:00 a.m., March 8 to 10:00 a.m., plane time, March 13, 2002

Representative Kott - from 7:00 a.m., February 16 to 9:30 p.m., plane time, February 17; from 7:00 a.m., February 23 to 9:30 p.m., plane time, February 24; from 1:50 p.m., March 7 to 9:30 p.m., plane time, March 12; from 7:00 a.m., March 16 to 9:30 p.m., plane time, March 17; and from 7:00 a.m., April 13 to 9:30 p.m., plane time, April 14, 2002

Representative Masek - from 5:00 p.m., March 6 to 9:35 p.m., plane time, March 12, 2002

Representative McGuire - from 2:05 p.m., February 15 to 10:04 a.m., plane time, February 19, 2002

HOUSE JOURNAL

2190

February 8, 2002

Representative Meyer - from 8:00 a.m., March 8 to 5:00 p.m., plane time, March 11, 2002

Representative Mulder - from 6:00 a.m., February 15 to 10:00 p.m., plane time, February 16, 2002

Representative Ogan - from 7:00 p.m., March 6 to noon, flight time, March 13, 2002

Representative Stevens - from 1:50 p.m., February 14 to 1:05 p.m., plane time, February 18; from 1:50 p.m., March 7 to 9:36 p.m., plane time, March 12; and from 1:05 p.m., April 4 to 9:36 p.m., plane time, April 7, 2002

Representative Williams - from 2:20 p.m., February 15 to 1:20 p.m., plane time, February 19, 2002

HCR 20

Representative Foster added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 20
Relating to declaring September 11, 2002, as Emergency Service Providers and Armed Forces Appreciation Day.

HJR 30

Representative Foster added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 30
Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

HJR 33

Representative Foster added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 33
Expressing gratitude to President George W. Bush, to the President's cabinet, and to the men and women of the United States armed forces and declaring support for the war on terrorism.

HB 20

Representative Mulder added his 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 283

Representative Wilson added her name as cosponsor to:

HOUSE BILL NO. 283

"An Act relating to appointments to the Board of Fisheries and to the ex officio secretary of the Board of Fisheries."

HB 284

Representative Wilson added her name as cosponsor to:

HOUSE BILL NO. 284

"An Act relating to participation in matters before the Board of Fisheries by members of the board; and providing for an effective date."

HB 291

Representative Croft added his name as cosponsor to:

CS FOR HOUSE BILL NO. 291(L&C)

"An Act relating to the requirements for obtaining a residential contractor endorsement."

HB 298

Representative Mulder added his name as cosponsor to:

CS FOR HOUSE BILL NO. 298(L&C)

"An Act relating to authorizing the Alaska Railroad Corporation to lease land for a period of up to 55 years."

HB 320

Representatives Croft and Kott added their names as cosponsors to:

HOUSE BILL NO. 320

"An Act relating to the use of electronic ballots."

HB 366

Representative Dyson added his name as cosponsor to:

HOUSE BILL NO. 366

"An Act relating to assisted living homes; and providing for an effective date."

HB 368

Representative Wilson added her name as cosponsor to:

HOUSE BILL NO. 368

"An Act authorizing the commissioner of community and economic development to refinance and extend the term of a fishery enhancement loan."

ENGROSSMENT

HJR 17

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

HOUSE JOINT RESOLUTION NO. 17 am

Urging the President of the United States and the Congress to act to ensure that federal agencies do not retain records relating to lawful purchase or ownership of firearms gathered through the Brady Handgun Bill instant check system.

HB 245

CASHB 245(L&C) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 291

CASHB 291(L&C) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 298

CSHB 298(L&C) 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 11:00 a.m., February 11, 2002. There being no objection, the House adjourned at 10:46 a.m.

Suzi Lowell
Chief Clerk