

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

February 6, 2002

Twenty-fourth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:03 a.m.

Roll call showed 33 members present. Representatives Berkowitz, Cissna, and Green had been previously excused from a call of the House today. Representative Davies was excused from a call of the House for medical reasons. Representatives Coghill and Mulder were absent and their presence was noted later.

Representative James moved and asked unanimous consent that Representative Kookesh be excused from a call of the House until 2:00 p.m. 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 Hudson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

Almighty God, You proclaim Your truth in every age by many voices. Direct, in our time, we pray, those who speak where many listen and write what many read; that they may do their part in making the heart of this people wise, its mind sound, and its will righteous; to the honor of Jesus Christ our Lord. Amen.

The Pledge of Allegiance was led by Representative Murkowski.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 22nd and 23rd legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A Declaration of Disaster Emergency dated February 1, 2002, with an accompanying letter was received and is on file in the Chief Clerk's office. The Declaration and letter had been copied to the Finance Committee.

COMMUNICATIONS

The following were received:

Dept. of Community & Economic Development
Office of the Commissioner
Annual Report of State Loans
and Report on Reinstatements, FY 01
(as required by AS 37.05.035 and AS 16.10.350)

Alaska Railroad Corporation
Special Report to the Legislature and
Administration, State of Alaska
January 2002

REPORTS OF STANDING COMMITTEES**EO 103**

The Health, Education & Social Services Committee has considered:

EXECUTIVE ORDER NO. 103

Transferring from the office of the lieutenant governor to the state archivist the responsibility for the maintenance and legal custody of permanent files of certified copies of regulations and orders of repeal.

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

Approval (6): Dyson, Wilson, Coghill, Kohring, Stevens, Joule

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

EO 103 was also referred to the State Affairs Committee.

HB 274

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 274

"An Act relating to workers' compensation; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 274(L&C)

"An Act relating to the qualification of a physician used for an employer's independent medical examination and to the authority of the Alaska Workers' Compensation Board to provide an expedited hearing when an employee needs medical treatment; and providing for an effective date."

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

Do pass (6): Rokeberg, Meyer, Hayes, Crawford, Kott, Murkowski

The following fiscal note(s) apply to CSHB 274(L&C):

1. Zero, Dept. of Labor & Workforce Development

HB 274 was referred to the Rules Committee for placement on the calendar.

****The presence of Representative Coghill was noted.**

HB 291

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 291

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

and recommends it be replaced with:

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

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

Do pass (6): Rokeberg, Meyer, Hayes, Crawford, Kott, Murkowski

The following fiscal note(s) apply to CSHB 291(L&C):

1. Zero, Dept. of Community & Economic Development

HB 291 was referred to the Rules Committee for placement on the calendar.

HB 298

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 298

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

and recommends it be replaced with:

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."

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

Do pass (6): Rokeberg, Meyer, Hayes, Crawford, Kott, Murkowski

The following fiscal note(s) apply to CSHB 298(L&C):

1. Zero, Dept. of Community & Economic Development

HB 298 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES

HB 288

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 288

"An Act relating to commercial fisheries limited entry permit buy-back programs."

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

Do pass (5): Kerttula, Scalzi, Dyson, Wilson, Stevens

No recommendation (1): Kapsner

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

HB 288 was referred to the Resources Committee.

****The presence of Representative Mulder was noted.**

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

HB 384

HOUSE BILL NO. 384 by the House Judiciary Committee, entitled:

"An Act relating to submission of civil litigation information; and amending Rules 41(a) and 58, Alaska Rules of Civil Procedure, Rule 511(c) and (e), Alaska Rules of Appellate Procedure, and Rule 503(d), Alaska Rules of Evidence."

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

HB 385

HOUSE BILL NO. 385 by Representative Croft, entitled:

"An Act relating to the attorney fees and costs awarded in certain court actions relating to unfair trade practices; and amending Rules 54, 79, and 82, Alaska Rules of Civil Procedure."

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

HB 386

HOUSE BILL NO. 386 by Representative Meyer, entitled:

"An Act relating to foster care and adoption of children in need of aid; and relating to child-in-need-of-aid proceedings."

was read the first time and referred to the Health, Education & Social Services and Judiciary Committees.

HB 387

HOUSE BILL NO. 387 by Representative Crawford, entitled:

"An Act relating to historic and antique motor vehicles; and providing for an effective date."

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

HB 388

HOUSE BILL NO. 388 by Representative Crawford, entitled:

"An Act relating to publicly-owned correctional facilities."

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

HB 389

HOUSE BILL NO. 389 by Representatives Kohring and Croft, entitled:

"An Act changing the date of repeal of a provision authorizing an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 245

The following was read the second time:

HOUSE BILL NO. 245

"An Act relating to marital and family therapists."

with the:

Journal Page

L&C RPT CS(L&C) 4DP 2NR

2064

FN1: ZERO(CED)

2064

FIN REFERRAL WAIVED

2151

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. 245(L&C)
(same title)

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 245(L&C) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Joule objected.

The Speaker stated that CSHB 245(L&C) will be in third reading on the February 8, 2002, calendar.

THIRD READING OF HOUSE BILLS

HB 349

The following, which was advanced to third reading from the February 4, 2002, calendar (page 2145), was read the third time:

HOUSE BILL NO. 349

"An Act relating to agency programs and financial plans."

Representative James was previously excused from a call of the House today at 10:45 a.m. (page 2099).

The question being: "Shall HB 349 pass the House?" The roll was taken with the following result:

HB 349

Third Reading

Final Passage

YEAS: 29 NAYS: 4 EXCUSED: 6 ABSENT: 1

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

Nays: Guess, Hudson, Kapsner, Kerttula

Excused: Berkowitz, Cissna, Davies, Green, James, Kookesh

Absent: Moses

And so, HB 349 passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HJR 17

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 17

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.

with the:

Journal Page

JUD RPT 5DP 2NR

1299

FN1: ZERO(H.JUD/ALL DEPTS)

1299

The Rules Committee submitted the following updated fiscal note:

2. Zero, House Rules Committee/All Depts.

Representative Foster, Acting Majority Leader, moved and asked unanimous consent that HJR 17 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HJR 17 was read the third time.

Representative Kott moved and asked unanimous consent that HJR 17 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 Kott:

Page 2, line 16:

Delete "Louis Freeh"

Insert "Robert S. Mueller III"

Page 2, line 17:

Delete "Trent Lott"

Insert "Tom Daschle"

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

The question being: "Shall HJR 17 am pass the House?" The roll was taken with the following result:

HJR 17 am

Third Reading

Final Passage

YEAS: 33 NAYS: 0 EXCUSED: 6 ABSENT: 1

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

Excused: Berkowitz, Cissna, Davies, Green, James, Kookesh

Absent: Moses

And so, HJR 17 am passed the House.

Representative Mulder gave notice of reconsideration of the vote on HJR 17 am.

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 Bunde - from 6:56 p.m., February 21 to 9:30 a.m., plane time, February 25, 2002

Representative Harris - from 2:00 p.m., February 15 to 9:30 p.m., plane time, February 18, 2002; and from 7:00 p.m., March 8 to 9:35 p.m., plane time, March 12, 2002

Representative Kohring - from 5:00 p.m., February 15 to 9:45 p.m., plane time, February 17, 2002

Representative Lancaster - from 1:00 p.m., February 15 to 10:00 p.m., plane time, February 18, 2002

Representative McGuire - from 2:05 p.m., February 8 to 9:35 p.m., plane time, February 10, 2002

Representative Morgan - from 6:59 p.m., February 13 to 9:35 p.m., plane time, February 16, 2002

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

Representative Murkowski - from 6:56 p.m., February 22 to 9:35 p.m., plane time, February 24, 2002

Representative Scalzi - from 7:09 a.m., February 15 to 10:04 a.m., plane time, February 19, 2002 (amended from page 2151)

Representative Kerttula - from 7:20 a.m., February 7 to 9:35 p.m., plane time, February 8, 2002 (amended from page 1983)

HJR 17

Representatives Wilson and Meyer added their names as cosponsors to:

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 202

Representative Davies added his name as cosponsor to:

HOUSE BILL NO. 202

"An Act granting park rangers status as peace officers under the public employees' retirement system; and providing for an effective date."

HB 232

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 232

"An Act permitting state residents to purchase remote recreational cabin sites."

HB 274

Representative Hayes added his name as cosponsor to:

HOUSE BILL NO. 274

"An Act relating to workers' compensation; and providing for an effective date."

HB 288

Representative Wilson added her name as cosponsor to:

HOUSE BILL NO. 288

"An Act relating to commercial fisheries limited entry permit buy-back programs."

HB 349

Representatives Meyer and Rokeberg added their names as cosponsors to:

HOUSE BILL NO. 349

"An Act relating to agency programs and financial plans."

ENGROSSMENT

HB 349

HB 349 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 10:00 a.m., February 8, 2002. There being no objection, the House adjourned at 11:21 a.m.

Suzi Lowell
Chief Clerk