

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

April 9, 2002

Eighty-sixth Day

Pursuant to adjournment the House was called to order by Speaker Porter at 10:07 a.m.

Roll call showed 36 members present. Representatives Foster and Ogan had been previously excused from a call of the House today. Representatives Moses and Rokeberg were absent.

The invocation was offered by the Reverend Robert Sherwood of Church of the Nazarene. Representative Davies moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray. Father, let us see that faith is not intelligent understanding but rather deliberate commitment to a Person where I see no way. May these men and women walk by faith in order that they may have wisdom that exceeds the gene pool. May they be filled with grace to resolve conflicts and issues that involve no less than seven different cultures in a geographic area that is greater than half of the continental United States. May the vastness of the mountains, rivers, and coasts of this great land be matched by the goodness, integrity, and justice of this Chamber. Now give these the vitality and mirth of a Rie Munoz watercolor this day. In Jesus' Name. Amen.

The Pledge of Allegiance was led by Representative James.

CERTIFICATION OF THE JOURNAL

Representative James moved and asked unanimous consent that the journal for the 85th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE**HJR 33**

A message dated April 8, 2002, was read stating the Senate has passed:

CS FOR HOUSE JOINT RESOLUTION NO. 33(MLV) am
Expressing gratitude to President George W. Bush, to the President's cabinet, to the men and women of the United States armed forces, and to the United States Congress and declaring support for the war on terrorism and for the President's effort to support democracies and promote peace worldwide.

CSHJR 33(MLV) am was referred to the Chief Clerk for enrollment.

HB 343

A message dated April 8, 2002, was read stating the Senate has passed CSHB 343(FIN) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 343(RLS)
"An Act extending the termination date of the Board of Professional Counselors; and relating to licensing of professional counselors."

CSHB 343(FIN) is under Unfinished Business.

REPORTS OF STANDING COMMITTEES**HJR 48**

The Resources Committee has considered:

HOUSE JOINT RESOLUTION NO. 48
Relating to federal land withdrawals.

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:

1. Zero, House Resources Committee

HJR 48 was referred to the Rules Committee for placement on the calendar.

HB 316

The Judiciary Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 316

"An Act relating to trusts, including trust protectors, trustee advisors, and transfers of trust interests, and to creditors' claims against property subject to a power of appointment; and providing for an effective date."

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

Do pass (3): Coghill, James, Rokeberg

No recommendation (2): Berkowitz, Meyer

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

SSHB 316 was referred to the Rules Committee for placement on the calendar.

HB 317

The Judiciary Committee has considered:

HOUSE BILL NO. 317

"An Act relating to stalking and amending Rule 4, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 317(JUD)

"An Act relating to stalking and to violating a protective order; and amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration."

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

Do pass (5): Berkowitz, Meyer, James, Kookesh, Rokeberg

No recommendation (1): Coghill

The following fiscal note(s) apply to CSHB 317(JUD):

1. Zero, Dept. of Law
2. Indeterminate, Dept. of Corrections
3. Indeterminate, Dept. of Administration
4. Fiscal, Dept. of Public Safety

HB 317 was referred to the Finance Committee.

HB 380

The State Affairs Committee has considered:

HOUSE BILL NO. 380

"An Act relating to reimbursement for certain Medicare premium charges for persons receiving benefits from the teachers' retirement system, the judicial retirement system, the elected public officers retirement system, and the public employees' retirement system."

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

Do pass (3): Wilson, Stevens, James

No recommendation (2): Fate, Coghill

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Administration

HB 380 was referred to the Finance Committee.

HB 409

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 409

"An Act rejecting the use of daylight saving time."

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

Do pass (3): Meyer, Crawford, Murkowski

No recommendation (2): Kott, Halcro

The following fiscal note(s) apply:

1. Zero, House Labor & Commerce Committee

HB 409 was referred to the Rules Committee for placement on the calendar.

HB 443

The Finance Committee has considered:

HOUSE BILL NO. 443

"An Act retroactively extending the application and licensing deadlines and amending the effective date of certain provisions relating to regulation of persons who practice tattooing and permanent cosmetic coloring or body piercing; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 443(L&C)
(same title)

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

Do pass (7): Whitaker, Harris, Davies, Lancaster, Hudson, Foster, Williams

The following fiscal note(s) apply to CSHB 443(L&C):

1. Fiscal, Dept. of Environmental Conservation

HB 443 was referred to the Rules Committee for placement on the calendar.

HB 444

The State Affairs Committee has considered:

HOUSE BILL NO. 444
"An Act relating to buildings covered under the Alaska public building fund; 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 Administration

HB 444 was referred to the Rules Committee for placement on the calendar.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 207**

The following was read the second time:

HOUSE BILL NO. 207

"An Act relating to the judicial districts of the state."

with the:

Journal Page

JUD RPT 6DP 1NR	1305
FN1: ZERO(CRT)	1305
FIN REFERRAL WAIVED	1343
RLS RPT CS(RLS) NT 3DP 1NR	2678
FN2: ZERO(CRT)	2679

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. 207(RLS)

"An Act moving election district 24 as described in the Constitution of the State of Alaska at statehood from the Second Judicial District to the Fourth Judicial District and adding the Nabesna area to the Third Judicial District and removing it from the Fourth Judicial District."

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHB 207(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 207(RLS) was read the third time.

The question being: "Shall CSHB 207(RLS) pass the House?" The roll was taken with the following result:

CSHB 207(RLS)

Third Reading

Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

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, Meyer, Morgan, Mulder, Murkowski, Porter, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Foster, Ogan

Absent: Moses, Rokeberg

And so, CSHB 207(RLS) passed the House and was referred to the Chief Clerk for engrossment.

HB 411

The following was read the second time:

HOUSE BILL NO. 411

"An Act relating to physician assistants; providing that a physician assistant is a health care provider covered by certain laws relating to medical malpractice actions; adding physician assistants to the list of providers against whom unfair discrimination relating to health care insurance is prohibited and to the list of providers who can provide proof of disablement or handicap for the purpose of motor vehicle registration or for the purpose of obtaining a special license plate or a special parking permit; and providing for an effective date."

with the:

Journal Page

HES RPT 5DP 1NR	2362
FN1: ZERO(ADM)	2363
FN2: ZERO(CED)	2363
L&C RPT 4DP 3NR	2638
FN1: ZERO(ADM)	2639
FN2: ZERO(CED)	2639

Representative James moved and asked unanimous consent that HB 411 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 411 was read the third time.

The question being: "Shall HB 411 pass the House?" The roll was taken with the following result:

HB 411

Third Reading

Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

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, Meyer, Morgan, Mulder, Murkowski, Porter, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Foster, Ogan

Absent: Moses, Rokeberg

And so, HB 411 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.

HB 411 was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HJR 38

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 38

Relating to urging the United States Congress to pass the Terrorism Risk Protection Act.

with the:

Journal Page

L&C RPT CS(L&C) NT 6DP
 FN1: ZERO(H.L&C)

2829
 2830

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

CS FOR HOUSE JOINT RESOLUTION NO. 38(L&C)
 Relating to urging the United States Congress to pass terrorism risk protection legislation.

There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSHJR 38(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 38(L&C) was read the third time.

The question being: "Shall CSHJR 38(L&C) pass the House?" The roll was taken with the following result:

CSHJR 38(L&C)
 Third Reading
 Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

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, Meyer, Morgan, Mulder, Murkowski, Porter, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Foster, Ogan

Absent: Moses, Rokeberg

And so, CSHJR 38(L&C) passed the House and was referred to the Chief Clerk for engrossment.

CONCUR IN SENATE AMENDMENTS**HB 343**

Representative James moved and asked unanimous consent that the House consider the Senate message (page 2844) on the following at this time:

CS FOR HOUSE BILL NO. 343(FIN)

"An Act extending the termination date of the Board of Professional Counselors; and relating to licensing of professional counselors."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 343(RLS)
(same title)

There being no objection, it was so ordered.

Representative James moved that the House concur in the Senate amendment to CSHB 343(FIN), thus adopting SCS CSHB 343(RLS), and recommended that the members vote yes.

Representatives Dyson and Crawford moved and asked unanimous consent that they be allowed to abstain from voting due to a conflict of interest. Objection was heard, and the members were required to vote.

The question being: "Shall the House concur in the Senate amendment to CSHB 343(FIN)?" The roll was taken with the following result:

SCS CSHB 343(RLS)

Concur

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

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, Meyer, Morgan, Mulder, Murkowski, Porter, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Foster, Ogan

Absent: Moses, Rokeberg

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 343(RLS).

The Chief Clerk was instructed to so notify the Senate.

SCS CSHB 343(RLS) was referred to the Chief Clerk for enrollment.

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 Cissna - from 7:09 a.m., April 12 to 9:35 p.m., plane time, April 13, 2002

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

Representative Moses - from 7:00 a.m., April 12 to 9:30 p.m., plane time, April 16, 2002

Representative Mulder - from noon, April 12 to 9:30 p.m., plane time, April 13, 2002

HJR 33

Representative Kapsner added her name as cosponsor to:

CS FOR HOUSE JOINT RESOLUTION NO. 33(MLV) am
Expressing gratitude to President George W. Bush, to the President's cabinet, to the men and women of the United States armed forces, and to the United States Congress and declaring support for the war on terrorism and for the President's effort to support democracies and promote peace worldwide.

HB 411

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 411

"An Act relating to physician assistants; providing that a physician assistant is a health care provider covered by certain laws relating to medical malpractice actions; adding physician assistants to the list of providers against whom unfair discrimination relating to health care insurance is prohibited and to the list of providers who can provide proof of disablement or handicap for the purpose of motor vehicle registration or for the purpose of obtaining a special license plate or a special parking permit; and providing for an effective date."

HB 463

Representative James added her name as cosponsor to:

HOUSE BILL NO. 463

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

SCR 28

Representative Stevens added his name as cross sponsor to:

**CS FOR SENATE CONCURRENT RESOLUTION NO.
28(RES)**

Establishing the Joint Legislative Salmon Industry Task Force.

ENGROSSMENT**HJR 38**

CSHJR 38(L&C) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 160

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:

CS FOR HOUSE BILL NO. 160(JUD)

"An Act requiring the reporting of induced terminations of pregnancies."

HB 207

CSHB 207(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 411

HB 411 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 10:00 a.m., April 10, 2002. There being no objection, the House adjourned at 10:41 a.m.

Suzi Lowell
Chief Clerk