

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Friday

March 14, 2003

Fifty-third Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:14 a.m.

Roll call showed 35 members present. Representatives Harris, Kookesh, and Whitaker had been previously excused from a call of the House today. Representative Kapsner had been previously excused from a call of the House today and her presence was noted later. There was one vacancy.

The invocation was offered by the Chaplain, the Reverend George A. Walter of St. Brendan's Episcopal Church. Representative Fate moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

We pray, O Lord, for all here in this House who are responsible for our civic welfare, health, and security. May Your Spirit guide them, that they may have a care only for what will promote good government; and to all others in positions of responsibility, give such a sense of duty that no self-interest shall turn them from it. We also remember before You those who are employed in our service in dangerous or lowly work; for we are all members, one of another, and all our labor is honorable in Your sight. Help us, each one, to do well the work we have to do, for the good of all. Amen.

The Pledge of Allegiance was led by Representative Dahlstrom.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 51st and 52nd legislative days, House Journal Supplement No. 2, and House and Senate Joint Journal Supplement No. 6 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE**HCR 8**

A message dated March 13, 2003, was read stating the Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 8
Requesting the Governor to declare March 16 - 22, 2003, to be
Inhalants and Poisons Awareness Week.

HCR 8 was referred to the Chief Clerk for enrollment.

HB 100

A message dated March 13, 2003, was read stating the Senate has passed CSHB 100(FIN) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 100(FIN) am S
"An Act making supplemental and other appropriations; amending
appropriations; making appropriations to capitalize funds; and
providing for an effective date."

CSHB 100(FIN) is under Unfinished Business.

Messages dated March 12 and 13, 2003, were read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS**

SCR 4

CS FOR SENATE CONCURRENT RESOLUTION NO. 4(STA) by
the Senate State Affairs Committee:

Relating to Avalanche Awareness Month.

was read the first time and referred to the State Affairs Committee.

SJR 7

SENATE JOINT RESOLUTION NO. 7 by the Senate Special
Committee on World Trade & State/Federal Relations:

Expressing support for Vancouver, British Columbia's, bid for the
2010 Olympic Winter Games and the Paralympic Winter Games.

was read the first time and referred to the House Special Committee on
Economic Development, International Trade, & Tourism and the State
Affairs Committee.

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 77

SENATE BILL NO. 77 by Senator Wilken, entitled:

"An Act naming the William Ransom Wood Centennial Bridge in
Fairbanks."

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

REPORTS OF STANDING COMMITTEES

HJR 13

The Health, Education & Social Services Committee has considered:

HOUSE JOINT RESOLUTION NO. 13

Urging adoption of the Alaska recommendations for implementing the No Child Left Behind Act of 2001.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 13(HES)
(same title)

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

Do pass (7): Gatto, Wolf, Heinze, Seaton, Cissna, Kapsner, Wilson

The following fiscal note(s) apply to CSHJR 13(HES):

1. Zero, House Health, Education & Social Services Committee

HJR 13 was referred to the Rules Committee for placement on the calendar.

HB 11

The Resources Committee has considered:

HOUSE BILL NO. 11

"An Act relating to deposits to the Alaska permanent fund from mineral lease rentals, royalties, royalty sale proceeds, net profit shares under AS 38.05.180(f) and (g), federal mineral revenue sharing payments received by the state from mineral leases, and bonuses received by the state from mineral leases, and limiting deposits from those sources to the 25 percent required under art. IX, sec. 15, Constitution of the State of Alaska; and providing for an effective date."

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

Do not pass (1): Masek

No recommendation (7): Kerttula, Guttenberg, Wolf, Gatto, Lynn, Fate, Chenault

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue
2. Fiscal, Dept. of Revenue
3. Fiscal, Dept. of Revenue

HB 11 was referred to the Finance Committee.

HB 59

The Finance Committee has considered:

HOUSE BILL NO. 59

"An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 59(FIN)
(same title)

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

Do pass (5): Croft, Moses, Foster, Harris, Williams

No recommendation (2): Stoltze, Joule

Amend (1): Hawker

The following fiscal note(s) apply to CSHB 59(FIN):

1. Zero, Dept. of Public Safety
2. Fiscal, Dept. of Environmental Conservation

HB 59 was referred to the Rules Committee for placement on the calendar.

HB 113

The Resources Committee has considered:

HOUSE BILL NO. 113

"An Act extending the renewal period for oil discharge prevention and contingency plans; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 113(O&G)

"An Act extending the renewal period and expiration date for oil discharge prevention and contingency plans; and providing for an effective date."

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

Do pass (6): Lynn, Gatto, Masek, Wolf, Fate, Chenault

No recommendation (2): Guttenberg, Kerttula

The following fiscal note(s) apply to CSHB 113(O&G):

1. Zero, Dept. of Environmental Conservation
2. Zero, Dept. of Law

HB 113 was referred to the Finance Committee.

HB 135

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 135

"An Act relating to marital and family therapists."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 135(HES)
(same title)

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

Do pass (7): Gatto, Wolf, Heinze, Seaton, Cissna, Kapsner, Wilson

The following fiscal note(s) apply to CSHB 135(HES):

1. Zero, Dept. of Community & Economic Development

HB 135 was referred to the Rules Committee for placement on the calendar.

HB 146

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 146

"An Act repealing the termination date of certain provisions that require the reporting of social security numbers and automated data matching with financial institutions for child support enforcement purposes; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 146(HES)

"An Act repealing the termination date of certain provisions that require the reporting of social security numbers and automated data matching with financial institutions for child support enforcement purposes; relating to social security numbers on applications for commercial fishing licenses; and providing for an effective date."

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

Do pass (6): Kapsner, Cissna, Wolf, Heinze, Seaton, Wilson

No recommendation (1): Gatto

The following fiscal note(s) apply to CSHB 146(HES):

1. Zero, Dept. of Revenue

HB 146 was referred to the Rules Committee for placement on the calendar.

HB 166

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 166

"An Act relating to adoptions that include a subsidy payment by the state; eliminating annual review of the subsidy paid by the state after adoption of a hard-to-place child has occurred; and providing for an effective date."

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

Do pass (5): Cissna, Seaton, Heinze, Wolf, Wilson

No recommendation (2): Kapsner, Gatto

The following fiscal note(s) apply:

1. Fiscal, Dept. of Health & Social Services

HB 166 was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES

HB 28

The House Special Committee on Oil & Gas has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 28

"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."

and recommends it be replaced with:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL
NO. 28(O&G)
(same title)

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

Do pass (6): Chenault, McGuire, Rokeberg, Crawford, Fate, Kohring

Amend (1): Kerttula

The following fiscal note(s) apply to CSSSHB 28(O&G):

1. Zero, Dept. of Natural Resources

SSHB 28 was referred to the Resources Committee.

HB 61

The House Special Committee on Oil & Gas has considered:

HOUSE BILL NO. 61

"An Act establishing an exploration and development incentive tax credit for persons engaged in the exploration for and development of less than 150 barrels of oil or of gas for sale and delivery without reference to volume from a lease or property in the state; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 61(O&G)

"An Act establishing an exploration and development incentive tax credit for persons engaged in the exploration for and development of gas for sale and delivery without reference to volume from a lease or property in the state; and providing for an effective date."

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

Do pass (5): Fate, Rokeberg, McGuire, Chenault, Kohring

Amend (1): Kerttula

The following fiscal note(s) apply to CSHB 61(O&G):

1. Zero, Dept. of Natural Resources
2. Zero, Dept. of Revenue

HB 61 was referred to the Resources Committee.

HB 154

The House Special Committee on Education has considered:

HOUSE BILL NO. 154

"An Act relating to admission to and advancement in public schools of children under school age; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 154(EDU)

"An Act relating to advancement in public schools of children under school age; and providing for an effective date."

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

Do pass (4): Wilson, Coghill, Seaton, Gatto

Do not pass (2): Gara, Kapsner

No recommendation (1): Wolf

The following fiscal note(s) apply to CSHB 154(EDU):

1. Fiscal, Dept. of Education & Early Development

HB 154 was referred to the Health, Education & Social Services Committee.

HB 165

The House Special Committee on Education has considered:

HOUSE BILL NO. 165

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

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

Do pass (5): Wolf, Seaton, Wilson, Coghill, Gatto

Do not pass (2): Gara, Kapsner

The following fiscal note(s) apply:

1. Fiscal, Dept. of Education & Early Development

HB 165 was referred to the Health, Education & Social Services Committee.

HB 171

The House Special Committee on Education has considered:

HOUSE BILL NO. 171

"An Act repealing the charter school grant program; and providing for an effective date."

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

Do pass (5): Wilson, Coghill, Seaton, Wolf, Gatto

Do not pass (2): Kapsner, Gara

The following fiscal note(s) apply:

1. Fiscal, Dept. of Education & Early Development

HB 171 was referred to the Health, Education & Social Services Committee.

INTRODUCTION OF CITATIONS

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

In Memoriam - Ed Naughton
By Representative Cissna

In Memoriam - Lee O. Reed, Jr.
By Senator Davis

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

Honoring - AWARE Women of Distinction - Merry Ellefson, Ethel Lund, Margaret Pugh, and Tish Griffin Satre
By Representatives Weyhrauch, Kerttula; Senator Elton

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 17

HOUSE JOINT RESOLUTION NO. 17 by Representative Kohring:

Strongly encouraging the Secretary of the Interior to conduct additional competitive oil and gas lease sales within the National Petroleum Reserve in Alaska.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 177

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 177 by Representatives Stoltze, Foster, Croft, and Kohring, entitled:

"An Act relating to concealed handguns."

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

HB 193

HOUSE BILL NO. 193 by Representative Cissna, entitled:

"An Act relating to optional performance-based budgeting for agencies in the executive branch of state government."

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

HB 194

HOUSE BILL NO. 194 by Representatives Anderson, Kohring, and Wilson, entitled:

"An Act creating a tax credit under the Alaska Net Income Tax Act for contributions to regional development organizations; and providing for an effective date."

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

HB 195

HOUSE BILL NO. 195 by Representative Rokeberg, entitled:

"An Act relating to coverage offered under an individual policy of health care insurance; and providing for an effective date."

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

HB 196

HOUSE BILL NO. 196 by Representative Berkowitz, entitled:

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

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 23

The following was read the second time:

HOUSE BILL NO. 23

"An Act relating to court-ordered restitution and compensation following a criminal conviction."

with the:	Journal Page
JUD RPT CS(JUD) 4DP	356
FN1: INDETERMINATE(ADM)	356
FIN REFERRAL WAIVED	520

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

CS FOR HOUSE BILL NO. 23(JUD)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 23(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 23(JUD) was read the third time.

The question being: "Shall CSHB 23(JUD) pass the House?" The roll was taken with the following result:

CSHB 23(JUD)
Third Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 4 ABSENT: 1 VACANT: 1

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kerttula, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Harris, Kapsner, Kookesh, Whitaker

Absent: Moses

And so, CSHB 23(JUD) passed the House and was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 140

The following, which was advanced to third reading from the March 12, 2003, calendar (page 520), was read the third time:

HOUSE BILL NO. 140

"An Act relating to benefits for retired teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; and providing for an effective date."

The question being: "Shall HB 140 pass the House?" The roll was taken with the following result:

HB 140
Third Reading
Final Passage

YEAS: 28 NAYS: 7 EXCUSED: 4 ABSENT: 0 VACANT: 1

Yeas: Anderson, Chenault, Coghill, Croft, Dahlstrom, Fate, Foster, Gatto, Gruenberg, Hawker, Heinze, Holm, Joule, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Berkowitz, Cissna, Crawford, Gara, Guttenberg, Kerttula, Moses

Excused: Harris, Kapsner, Kookesh, Whitaker

And so, HB 140 passed the House.

Representative Coghill 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.

Representative Berkowitz gave notice of reconsideration of the vote on HB 140.

CONCUR IN SENATE AMENDMENTS

HB 100

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 530) on the following at this time:

CS FOR HOUSE BILL NO. 100(FIN)

"An Act making supplemental and other appropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 100(FIN) am S
(same title)

There being no objection, it was so ordered.

**The presence of Representative Kapsner was noted.

Representative Coghill moved that the House concur in the Senate amendment to CSHB 100(FIN), thus adopting SCS CSHB 100(FIN) am S, and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 100(FIN)?" The roll was taken with the following result:

SCS CSHB 100(FIN) am S

Concur

YEAS: 32 NAYS: 4 EXCUSED: 3 ABSENT: 0 VACANT: 1

Yeas: Anderson, Chenault, Cissna, Coghill, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Berkowitz, Crawford, Croft, Kerttula

Excused: Harris, Kookesh, Whitaker

And so, the House concurred in the Senate amendment.

Representative Coghill 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.

Representative Berkowitz objected.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

SCS CSHB 100(FIN) am S

Concur

Effective Date

YEAS: 33 NAYS: 3 EXCUSED: 3 ABSENT: 0 VACANT: 1

Yeas: Anderson, Berkowitz, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gatto, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Cissna, Gara, Kerttula

Excused: Harris, Kookesh, Whitaker

And so, the effective date clause was adopted.

The House concurred in the Senate amendment, thus adopting SCS CSHB 100(FIN) am S and the Chief Clerk notified the Senate.

SCS CSHB 100(FIN) am S was referred to the Chief Clerk for enrollment.

UNFINISHED BUSINESS

HB 90

The Speaker waived the Resources Committee referral for the following at the request of Representative Fate, Co-chair:

HOUSE BILL NO. 90

"An Act relating to a salmon product development tax credit under the Alaska fisheries business tax and the Alaska fisheries resource landing tax; and providing for an effective date."

HB 90 was removed from the Resources Committee and referred to the Finance Committee.

HB 104

The Speaker waived the Resources Committee referral for the following at the request of Representative Fate, Co-chair:

HOUSE BILL NO. 104

"An Act relating to payment of the fisheries business tax and to security for collection of the fisheries business tax."

HB 104 was removed from the Resources Committee and referred to the Finance Committee.

March 14, 2003

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Representative Coghill 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 Kohring - from morning plane time, March 16 to evening plane time, March 23, 2003

Representative Morgan - from morning plane time, March 16 to evening plane time, March 23, 2003

Representative Cissna - from 7:00 p.m., today to 11:00 p.m., March 15, 2003

Representative Harris - from noon today to evening plane time, March 16, 2003

Representative Heinze - from noon today to evening plane time, March 16, 2003

Representative Holm - from noon today to evening plane time, March 16, 2003

Representative Kerttula - from noon today to evening plane time, March 16, 2003

Representative Crawford - from 7:00 a.m., March 15 to 2:00 p.m., March 17, 2003

Representative Weyhrauch - from 3:00 p.m., March 18 to evening plane time, March 21, 2003

Representative Rokeberg - from 7:00 p.m., March 19 to 2:00 p.m., March 24, 2003

Representative Anderson - from 7:00 a.m., March 15 to 2:00 p.m., March 17, 2003

SPECIAL ORDER OF BUSINESS

Representative Coghill moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - AWARE Women of Distinction - Merry Ellefson, Ethel Lund, Margaret Pugh, and Tish Griffin Satre, be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

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

Honoring - AWARE Women of Distinction - Merry Ellefson, Ethel Lund, Margaret Pugh, and Tish Griffin Satre
By Representatives Weyhrauch, Kerttula, Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Masek, McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stoltze, Williams, Wilson, Wolf; Senator Elton

UNFINISHED BUSINESS**HB 23**

Representatives Wilson, McGuire, and Seaton added their names as cosponsors to:

CS FOR HOUSE BILL NO. 23(JUD)

"An Act relating to court-ordered restitution and compensation following a criminal conviction."

SB 77

Representatives Fate and Stoltze added their names as cross sponsors to:

SENATE BILL NO. 77

"An Act naming the William Ransom Wood Centennial Bridge in Fairbanks."

ENGROSSMENT**HB 23**

CSHB 23(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT**HB 100**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 11:55 a.m., March 14, 2003:

SENATE CS FOR CS FOR HOUSE BILL NO. 100(FIN) am S
"An Act making supplemental and other appropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date."

The following memorandum, dated March 14, 2003, was received from Patty Rose, Enrolling Secretary, Division of Legal and Research Services:

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest error in SCS CSHB 100(FIN) am S, which has been corrected in enrolling:

Page 14, line 21, following "by":
Insert "secs.""

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

2003 Legislative Financial Disclosure Statements
(as required by AS 24.60.210) due to APOC 5:00 p.m., 3/17

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., March 17, 2003. There being no objection, the House adjourned at 11:14 a.m.

Suzi Lowell
Chief Clerk

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