

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

April 10, 2003

Eightieth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 11:25 a.m.

Roll call showed 37 members present. Representatives Kookesh and Williams had been previously excused from a call of the House today. Representative McGuire was absent and her presence was noted later.

The invocation was offered by the Chaplain, the Reverend Paul Beran of Resurrection Lutheran Church. Representative Fate moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

I invite you to a time of prayer and reflection.

Gracious Father, thank You for the gift of this day: for life and health; for the quiet calm of this capital city; for responsibility which calls for our best; and the special uniqueness of each person in these chambers working together.

We pray for others: women and men still in war's danger fighting in Iraq; for the people of Iraq caught in the chaos, suffering, death, and transitions of war; for families who grieve knowing their loved one is not returning home. Lord of all, we pray for peace. Not that peace which is simply a cease-fire, but that peace built on the foundations of freedom and justice for all.

As we serve today, use each of us as instruments of Your peace. This I pray in the Name of Jesus, who came not to be served but to serve. Amen.

The Pledge of Allegiance was led by Representative Gruenberg.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 79th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

SB 77

A message dated April 8, 2003, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 77

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

Chapter No. 5, SLA 2003

Effective Date: July 7, 2003

MESSAGES FROM THE SENATE

HB 12

A message dated April 9, 2003, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 12(JUD) am

"An Act relating to the crime of harassment committed by use of electronic communication."

The Senate adopted a Legislative letter of intent (page 181).

CSHB 12(JUD) am was referred to the Chief Clerk for enrollment.

SCR 1

A message dated April 9, 2003, was read stating the Senate has concurred in the House amendment to CSSCR 1(FIN), thus adopting:

HCS FOR CS FOR SENATE CONCURRENT RESOLUTION
NO. 1(TRA) am H

Relating to economic development generated by new road construction and to the design and construction of the Hot Springs Loop Road to connect Chena Hot Springs and Circle Hot Springs, of a highway along the Bradfield/Iskut Rivers transportation corridor, of the Knik Arm Crossing, of a road from Iliamna Bay to Pile Bay, and of other roads and highways.

REPORTS OF STANDING COMMITTEES**HB 49**

The Finance Committee has considered:

HOUSE BILL NO. 49

"An Act relating to the DNA identification registration system; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 49(JUD)

"An Act relating to the deoxyribonucleic acid (DNA) identification registration system and testing; and providing for an effective date."

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

Do pass (7): Meyer, Croft, Moses, Whitaker, Foster, Harris, Williams

No recommendation (2): Joule, Chenault

The following fiscal note(s) apply to CSHB 49(JUD):

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

HB 49 was referred to the Rules Committee for placement on the calendar.

HB 98

The Resources Committee has considered:

HOUSE BILL NO. 98

"An Act relating to sport fishing seasons and areas for persons under 16 years of age."

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

Do pass (8): Lynn, Gatto, Morgan, Masek, Wolf, Kerttula, Guttenberg, Fate

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game
2. Zero, Dept. of Public Safety

HB 98 was referred to the Rules Committee for placement on the calendar.

HB 164

The Judiciary Committee has considered:

HOUSE BILL NO. 164

"An Act relating to the state's sovereign immunity for certain actions regarding injury, illness, or death of state-employed seamen and to workers' compensation coverage for those seamen; and providing for an effective date."

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

Do pass (4): Samuels, Holm, Anderson, McGuire

Do not pass (1): Gara

No recommendation (2): Gruenberg, Ogg

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Fiscal, Dept. of Labor & Workforce Development
3. Zero, Alaska Court System

HB 164 was referred to the Finance Committee.

HB 171

The Finance Committee 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 Representatives Harris and Williams, Co-chairs, with the following individual recommendations:

Do pass (4): Meyer, Foster, Harris, Williams

No recommendation (5): Joulé, Croft, Moses, Chenault, Whitaker

The following fiscal note(s) apply:

1. Fiscal, Dept. of Education & Early Development

HB 171 was referred to the Rules Committee for placement on the calendar.

HB 204

The Resources Committee has considered:

HOUSE BILL NO. 204

"An Act relating to the regulation of natural gas pipelines under the Pipeline Act."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 204(O&G)

"An Act relating to the regulation of natural gas pipelines under the Pipeline Act; and providing for an effective date."

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

Do pass (5): Wolf, Heinze, Gatto, Lynn, Fate

No recommendation (4): Kerttula, Guttenberg, Masek, Morgan

The following fiscal note(s) apply to CSHB 204(O&G):

1. Indeterminate, Dept. of Natural Resources
2. Zero, Dept. of Community & Economic Development

HB 204 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative McGuire was noted.

HB 224

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 224

"An Act relating to a tobacco product manufacturer's compliance with certain statutory requirements regarding cigarette sales; and providing for an effective date."

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

Do pass (4): Gatto, Guttenberg, Dahlstrom, Rokeberg

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Zero, Dept. of Revenue

HB 224 was referred to the Finance Committee.

HB 226

The Resources Committee has considered:

HOUSE BILL NO. 226

"An Act relating to the sale, offer for sale, representation, and labeling of food or other agricultural products as organic, and to the state organic certification program; and providing for an effective date."

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

Do pass (8): Lynn, Gatto, Heinze, Morgan, Masek, Kerttula, Guttenberg, Fate

The following fiscal note(s) apply:

1. Fiscal, Dept. of Natural Resources

HB 226 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Diane Palmer
By Representative Williams; Senator Taylor

In Memoriam - Jimmie "Chief" Reed
By Representatives Gara, Crawford

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

HB 256

HOUSE BILL NO. 256 by the House Finance Committee, entitled:

"An Act relating to a dividend payment to the state made by the Alaska Housing Finance Corporation each fiscal year; and providing for an effective date."

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

HB 257

HOUSE BILL NO. 257 by Representatives Rokeberg and Foster, entitled:

"An Act relating to the disclosure requirements for real estate licensees, to disciplinary action against real estate licensees, to private actions against real estate licensees, and to real estate licensee agency relationships, fiduciary duties, and other duties; and providing for an effective date."

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

HB 258

HOUSE BILL NO. 258 by Representative McGuire, entitled:

"An Act relating to the State Medical Board; and amending Rule 609(b), Alaska Rules of Appellate Procedure."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 127

The following was read the second time:

HOUSE BILL NO. 127

"An Act allowing certain roadside memorials to be placed within the right-of-way of a state highway."

with the:	Journal Page
TRA RPT 3DP 2AM	463
FN1: ZERO(DOT)	464
STA RPT CS(STA) NT 7DP	707
FN1: ZERO(DOT)	707

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. 127(STA)

"An Act relating to roadside memorials within the right-of-way of a state highway."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 127(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 127(STA) was read the third time.

The question being: "Shall CSHB 127(STA) pass the House?" The roll was taken with the following result:

CSHB 127(STA)

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0

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

Excused: Kookesh, Williams

And so, CSHB 127(STA) passed the House and was referred to the Chief Clerk for engrossment.

HB 214

The following was read the second time:

HOUSE BILL NO. 214

"An Act relating to the recovery of punitive damages against an employer who is determined to be vicariously liable for the act or omission of an employee; and providing for an effective date."

with the:	Journal Page
JUD RPT CS(JUD) 3DP 2DNP 1NR 1AM	766
FN1: ZERO(CRT)	767
FN2: ZERO(LAW)	767

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. 214(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Gara and Gruenberg:

Page 2, line 2:

Delete "recklessly"

Insert "negligently"

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

Representative McGuire objected.

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

CSHB 214(JUD)
Second Reading
Amendment No. 1

YEAS: 11 NAYS: 26 EXCUSED: 2 ABSENT: 1

Yeas: Anderson, Berkowitz, Cissna, Gara, Gruenberg, Guttenberg, Kapsner, Kerttula, Kott, Ogg, Weyhrauch

Nays: Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Joule, Kohring, Lynn, Masek, McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stoltze, Whitaker, Wilson, Wolf

Excused: Kookesh, Williams

Absent: Moses

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 214(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

The Speaker stated that CSHB 214(JUD) will be in third reading on tomorrow's calendar.

THIRD READING OF HOUSE BILLS

HB 75

The following, which was advanced to third reading from the April 9, 2003, calendar (page 892), was read the third time.

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
75(FIN) am

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and

to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

Representative Berkowitz placed a call of the House.

The call was satisfied.

Representative Berkowitz lifted the call.

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 12:57 p.m.

AFTER RECESS

The Speaker called the House back to order at 1:44 p.m.

THIRD READING OF HOUSE BILLS

(Continued)

HB 75

The following was before the House in third reading:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
75(FIN) am

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

The question being: "Shall CSSSHB 75(FIN) am pass the House?"
The roll was taken with the following result:

CSSSHB 75(FIN) am
Third Reading
Final Passage

YEAS: 27 NAYS: 11 EXCUSED: 2 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Wilson, Wolf

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Moses

Excused: Kookesh, Williams

And so, CSSSHB 75(FIN) am passed the House.

Representative Coghill moved that the House adopt the appropriations from the constitutional budget reserve fund under art. IX, sec. 17(c), Constitution of the State of Alaska.

The question being: "Shall the appropriations from the constitutional budget reserve fund under art. IX, sec. 17(c), Constitution of the State of Alaska be adopted?" The roll was taken with the following result:

CSSSHB 75(FIN) am

Third Reading

Constitutional Budget Reserve Appropriations

YEAS: 27 NAYS: 11 EXCUSED: 2 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Wilson, Wolf

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Moses

Excused: Kookesh, Williams

And so, lacking the necessary 30 votes, the constitutional budget reserve fund appropriations were not adopted and the new title follows:

CS FOR SS FOR HOUSE BILL NO. 75(FIN) am(brf sup maj fld)
"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

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.

CSSSHB 75(FIN) am(brf sup maj fld) was referred to the Chief Clerk for engrossment.

HB 76

The following, which was advanced to third reading from the April 9, 2003, calendar (page 897), was read the third time.

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
76(FIN)
"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

The question being: "Shall CSSSHB 76(FIN) pass the House?" The roll was taken with the following result:

CSSSHB 76(FIN)
Third Reading
Final Passage

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

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

Excused: Kookesh, Williams

Absent: Kerttula, Moses

And so, CSSSHB 76(FIN) 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.

CSSSHB 76(FIN) was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Coghill 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 - Noorvik Bears, Class 1A Boys State Basketball Champions

By Representatives Joule, Kott, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Kapsner, Kerttula, Kohring, Kookesh, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf; Senator Olson

In Memoriam - Barbara Ann (Blatchford) Barnes

By Representatives Joule, Kott, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Kapsner, Kerttula, Kohring, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

UNFINISHED BUSINESS

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 Cissna - from 7:00 a.m., April 12 to 10:00 p.m., April 14, 2003

Representative Chenault - from 7:00 a.m., April 11 to evening plane time, April 14, 2003

Representative Guttenberg - from 6:00 p.m., April 17 to 6:00 p.m., April 21, 2003 (amended from page 900)

HJR 3

Representatives Kapsner and Kohring added their names as cosponsors to:

SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION
NO. 3

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund.

HB 127

Representatives Samuels, Foster, Wolf, Gruenberg, Stoltze, and Dahlstrom added their names as cosponsors to:

CS FOR HOUSE BILL NO. 127(STA)

"An Act relating to roadside memorials within the right-of-way of a state highway."

ENGROSSMENT**HB 75**

CSSSHB 75(FIN) am(brf sup maj fld) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 76

CSSSHB 76(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 127

CSHB 127(STA) 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.

The following meetings today have been changed as indicated:

Finance Committee

CHANGED TO:

2:45 p.m., 4/10

Transportation Committee

CANCELED:

1:30 p.m., 4/10

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 11, 2003. There being no objection, the House adjourned at 2:30 p.m.

Suzi Lowell
Chief Clerk