

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Wednesday

April 16, 2003

Eighty-sixth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:19 a.m.

Roll call showed 35 members present. Representatives Kohring, Morgan, and Wolf had been previously excused from a call of the House today. Representatives Chenault and McGuire were absent and their presence was noted later.

The invocation was offered by the Chaplain, Pastor Sam Dalin of River of Glory Church. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray. The Lord by wisdom founded the earth, by understanding He established the heavens. As we come together from Barrow in the north to Metlakatla in the south, from Adak to Tok, and all Alaska, I would pray today for wisdom and understanding for these leaders in every decision they are called upon to make. Let the conviction of their hearts be the words they speak. We pray in the Name of God the Father, God the Son, and God the Holy Spirit. Amen.

The Pledge of Allegiance was led by Representative Joule.

CERTIFICATION OF THE JOURNAL

Representative Coghill 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**SJR 7**

A message dated April 15, 2003, was read stating the Senate has concurred in the House amendment to SJR 7, thus adopting:

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 7(EDT)
Expressing support for Vancouver, British Columbia's, bid for the
2010 Olympic Winter Games and the Paralympic Winter Games.

**The presence of Representative Chenault was noted.

REPORTS OF STANDING COMMITTEES

The Finance Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Nelson Page

as a member of the Alaska Mental Health Trust Authority Board of Trustees.

The report was signed by Representatives Harris and Williams, Co-chairs; and Representatives Meyer, Hawker, Stoltze, Joule, Croft, Moses, Chenault, Whitaker, and Foster.

The Health, Education & Social Services Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Mark Doner
Thomas Lamal

as members of the Professional Teaching Practices Commission.

The reports were signed by Representative Wilson, Chair; and Representatives Kapsner, Seaton, Coghill, and Gatto.

REPORTS OF STANDING COMMITTEES**HJR 19**

The Resources Committee has considered:

HOUSE JOINT RESOLUTION NO. 19

Relating to the ultra low sulfur diesel fuel requirements of the United States Environmental Protection Agency and their application to Alaska.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 19(RES)
(same title)

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

Do pass (7): Kerttula, Wolf, Morgan, Heinze, Gatto, Lynn, Fate

The following fiscal note(s) apply to CSHJR 19(RES):

1. Zero, Dept. of Environmental Conservation

HJR 19 was referred to the Rules Committee for placement on the calendar.

HB 5

The State Affairs Committee has considered:

HOUSE BILL NO. 5

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 5(STA)

"An Act relating to using credit history or insurance scoring for insurance purposes; and providing for an effective date."

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

Do pass (1): Gruenberg

No recommendation (6): Seaton, Berkowitz, Lynn, Dahlstrom, Holm, Weyhrauch

The following fiscal note(s) apply to CSHB 5(STA):

1. Zero, Dept. of Community & Economic Development

HB 5 was referred to the Labor & Commerce Committee.

HB 151

The Judiciary Committee has considered:

HOUSE BILL NO. 151

"An Act relating to claims and court actions for defects in the design, construction, and remodeling of certain dwellings; limiting when certain court actions may be brought; and amending Rules 79 and 82, Alaska Rules of Civil Procedure."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 151(JUD)
(same title)

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

Do pass (3): Gruenberg, Anderson, McGuire

No recommendation (2): Holm, Ogg

The following fiscal note(s) apply to CSHB 151(JUD):

1. Zero, House Labor & Commerce/Dept. of Community & Economic Development

HB 151 was referred to the Rules Committee for placement on the calendar.

HB 170

The Transportation Committee has considered:

HOUSE BILL NO. 170

"An Act increasing certain motor vehicle registration fees; and providing for an effective date."

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

Do pass (1): Holm

No recommendation (3): Fate, Ogg, Masek

The following fiscal note(s) apply:

1. Fiscal, Dept. of Administration

HB 170 was referred to the Finance Committee.

HB 216

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 216

"An Act relating to municipal taxation of refined fuel products."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 216(CRA)

"An Act relating to municipal taxation of refined petroleum products and to the bulk fuel revolving loan fund."

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

Do pass (2): Anderson, Morgan

No recommendation (2): Samuels, Cissna

The following fiscal note(s) apply to CSHB 216(CRA):

1. Zero, Dept. of Community & Economic Development
2. Zero, Dept. of Revenue

HB 216 was referred to the Finance Committee.

HB 256

The Finance Committee has considered:

HOUSE BILL NO. 256

"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."

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

Do pass (7): Meyer, Foster, Chenault, Whitaker, Hawker, Harris, Williams

No recommendation (3): Stoltze, Joule, Moses

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 256 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES

HJR 10

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE JOINT RESOLUTION NO. 10

Requesting the United States Congress to support the speedy deployment of a national missile defense system.

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

Do pass (3): Fate, Masek, Lynn

No recommendation (2): Weyhrauch, Gruenberg

The following fiscal note(s) apply:

1. Zero, Dept. of Military & Veterans' Affairs

HJR 10 was referred to the Rules Committee for placement on the calendar.

HB 245

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE BILL NO. 245

"An Act relating to certain suits and claims by members of the military services or regarding acts or omissions of the organized militia; relating to liability arising out of certain search and rescue, civil defense, homeland security, and fire management and firefighting activities; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 245(MLV)

"An Act relating to certain suits and claims by members of the military services; relating to certain suits and claims regarding acts or omissions of the organized militia; relating to workers' compensation and death benefits for members of the organized militia; relating to liability arising out of certain search and rescue, civil defense, homeland security, fire management, and fire fighting activities; and providing for an effective date."

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

Do pass (1): Lynn

Do not pass (2): Gruenberg, Cissna

No recommendation (1): Masek

Amend (2): Weyhrauch, Fate

The following fiscal note(s) apply to CSHB 245(MLV):

1. Zero, Dept. of Law
2. Zero, Dept. of Natural Resources
3. Indeterminate, Dept. of Administration

HB 245 was referred to the Judiciary Committee.

INTRODUCTION OF CITATIONS

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

In Memoriam - Linda Marie Norman
By Representative Seaton

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 25

HOUSE JOINT RESOLUTION NO. 25 by Representatives Seaton, Heinze, Crawford, and Chenault:

Supporting Alaska's independent commercial fishermen and Alaska's fish processing industry and opposing the establishment of processor quota shares.

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

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

HB 272

HOUSE BILL NO. 272 by Representative Weyhrauch, entitled:

"An Act relating to motor vehicle dealers."

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

HB 273

HOUSE BILL NO. 273 by Representative McGuire, entitled:

"An Act relating to civil liability for boat owners, for commercial recreational activities, and for guest passengers on an aircraft or watercraft; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 1

The following was read the second time:

HOUSE BILL NO. 1

"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."

with the:

Journal Page

JUD RPT CS(JUD) 5DP	211
FN1: ZERO(LAW)	212
FN2: ZERO(DPS)	212
FN3: INDETERMINATE(ADM)	212

HOUSE JOURNAL

1010

April 16, 2003

FN4: INDETERMINATE(CRT)	212
FIN REFERRAL WAIVED	941

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. 1(JUD)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 1(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 1(JUD) was read the third time.

The question being: "Shall CSHB 1(JUD) pass the House?" The roll was taken with the following result:

CSHB 1(JUD)
Third Reading
Final Passage

YEAS: 31 NAYS: 1 EXCUSED: 3 ABSENT: 5

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Holm, Joule, Kapsner, Kerttula, Kookesh, Kott, Lynn, Meyer, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams

Nays: Masek

Excused: Kohring, Morgan, Wolf

Absent: Dahlstrom, Hawker, Heinze, McGuire, Wilson

And so, CSHB 1(JUD) 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 court rule changes. There being no objection, it was so ordered.

CSHB 1(JUD) was referred to the Chief Clerk for engrossment.

HB 83

The following was read the second time:

HOUSE BILL NO. 83

"An Act adopting a version of the Revised Uniform Arbitration Act; relating to the state's existing Uniform Arbitration Act; amending Rules 3, 18, 19, 20, and 21, Alaska Rules of Civil Procedure, Rule 601, Alaska Rules of Evidence, and Rule 402, Alaska Rules of Appellate Procedure; and providing for an effective date."

with the:	Journal Page
JUD RPT CS(JUD) 4DP 2NR	705
FN1: ZERO(LAW)	706
FN2: ZERO(CRT)	706
FN3: ZERO(COR)	706

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. 83(JUD)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 83(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 83(JUD) was read the third time.

The question being: "Shall CSHB 83(JUD) pass the House?" The roll was taken with the following result:

CSHB 83(JUD)
Third Reading
Final Passage

YEAS: 31 NAYS: 1 EXCUSED: 3 ABSENT: 5

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Holm, Joule, Kapsner, Kerttula, Kookesh, Kott, Lynn, Meyer, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams

Nays: Masek

Excused: Kohring, Morgan, Wolf

Absent: Dahlstrom, Hawker, Heinze, McGuire, Wilson

And so, CSHB 83(JUD) 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 court rule changes. There being no objection, it was so ordered.

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.

CSHB 83(JUD) was referred to the Chief Clerk for engrossment.

HB 109

The following was read the second time:

HOUSE BILL NO. 109

"An Act relating to the limitation on payment of state treasury warrants; and providing for an effective date."

with the:

Journal Page

STA RPT CS(STA) 6DP 1NR

634

FN1: ZERO(ADM/ALL DEPTS)

635

HOUSE JOURNAL

April 16, 2003

1013

FIN RPT CS(FIN) NT 5DP 2NR	928
FN1: ZERO(ADM/ALL DEPTS)	929

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. 109(FIN)

"An Act relating to the limitation on payment of state treasury warrants and to the payment of a claim for which the appropriation has lapsed; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 109(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 109(FIN) was read the third time.

**The presence of Representative McGuire was noted.

The question being: "Shall CSHB 109(FIN) pass the House?" The roll was taken with the following result:

CSHB 109(FIN)
Third Reading
Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 3 ABSENT: 5

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Holm, Joule, Kapsner, Kerttula, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Moses, Ogg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams

Excused: Kohring, Morgan, Wolf

Absent: Dahlstrom, Hawker, Heinze, Rokeberg, Wilson

And so, CSHB 109(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.

CSHB 109(FIN) was referred to the Chief Clerk for engrossment.

HOUSE BILLS IN SECOND READING

HB 249

The following, which was held in second reading from the April 15, 2003, calendar (page 993), was again read a second time:

CS FOR HOUSE BILL NO. 249(JUD)

"An Act relating to the award of costs and attorney fees to defendants under court rule in civil actions brought under monopoly and restraint of trade statutes; and providing for an effective date."

Amendment No. 1 (page 993) was again offered by Representative Moses.

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

Representative McGuire objected.

The Speaker stated that, without objection, CSHB 249(JUD) would be held in second reading, with Amendment No. 1 pending, to the April 23, 2003, calendar.

THIRD READING OF HOUSE BILLS

HB 57

The following, which was advanced to third reading from the April 15, 2003, calendar (page 990), was read the third time:

CS FOR HOUSE BILL NO. 57(FIN)

"An Act amending the manner of determining the royalty received by the state on gas production as it relates to the manufacture of certain value-added products."

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

The question being: "Shall CSHB 57(FIN) pass the House?" The roll was taken with the following result:

CSHB 57(FIN)
Third Reading
Final Passage

YEAS: 30 NAYS: 6 EXCUSED: 3 ABSENT: 1

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Fate, Foster, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Kapsner, Kott, Lynn, McGuire, Meyer, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson

Nays: Croft, Gara, Gatto, Kerttula, Kookesh, Masek

Excused: Kohring, Morgan, Wolf

Absent: Joule

And so, CSHB 57(FIN) passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

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

Honoring - Pfc. Jessica Lynch

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

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 Wilson - from 3:00 p.m., April 17 to 1:00 p.m., April 21, 2003

Representative Chenault - from 7:00 a.m., April 17 to 10:00 a.m., plane time, April 22, 2003

Representative Berkowitz - from 7:00 a.m., April 18 to 10:00 p.m., April 21, 2003

Representative Gatto - from 7:00 p.m., April 17 to 8:00 p.m., April 21, 2003

Representative Whitaker - from 1:00 p.m., April 17 to 10:00 a.m., April 22, 2003

Representative Williams - from 8:00 a.m., April 17 to 1:00 p.m., April 22, 2003

Representative Samuels - from 5:00 p.m., April 16 to 9:00 p.m., April 21, 2003

Representative Dahlstrom - from morning plane time, April 17 to evening plane time, April 21, 2003

Representative McGuire - from 2:00 p.m., April 16 to 2:00 p.m., April 22, 2003

Representative Foster - from 11:45 a.m. to 2:00 p.m., April 17, 2003

Representative Harris - from evening plane time, April 16 to 1:00 p.m., plane time, April 22, 2003 (amended from page 995)

SB 105

The Speaker added a Health, Education & Social Services Committee referral to precede the Finance Committee referral for the following:

CS FOR SENATE BILL NO. 105(HES) am(efd fld)

"An Act relating to eligibility requirements for medical assistance for certain children, pregnant women, and persons in a medical or intermediate care facility."

CSSB 105(HES) am(efd fld) was removed from the Finance Committee and referred to the Health, Education & Social Services Committee.

HB 1

Representatives Kerttula and Meyer added their names as cosponsors to:

CS FOR HOUSE BILL NO. 1(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."

HB 57

Representatives Heinze and Lynn added their names as cosponsors to:

CS FOR HOUSE BILL NO. 57(FIN)

"An Act amending the manner of determining the royalty received by the state on gas production as it relates to the manufacture of certain value-added products."

HB 102

Representatives Samuels and Masek added their names as cosponsors to:

HOUSE BILL NO. 102

"An Act relating to concealed deadly weapons."

HB 212

Representative Ogg added his name as cosponsor to:

HOUSE BILL NO. 212

"An Act relating to trusts, including trust protectors, trustee advisors, transfers of property in trust, and transfers of trust interests, and to creditors' claims against property subject to a power of appointment."

HB 228

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 228

"An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date."

HB 267

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 267

"An Act relating to the Alaska Railroad; authorizing the Alaska Railroad Corporation to provide financing for the acquisition, construction, improvement, maintenance, equipping, or operation of facilities for the transportation of natural gas resources within and outside the state by others; authorizing the Alaska Railroad Corporation to issue bonds to finance those facilities; and providing for an effective date."

ENGROSSMENT

HB 1

CSHB 1(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 57

CSHB 57(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 83

CSHB 83(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 109

CSHB 109(FIN) 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 Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 17, 2003. There being no objection, the House adjourned at 12:11 p.m.

Suzi Lowell
Chief Clerk