

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 29, 2003

Ninety-ninth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:13 a.m.

Roll call showed 38 members present. Representatives Gruenberg and Weyhrauch were absent and their presence was noted later.

The invocation was offered by the Chaplain, Pastor Jimmie Woods of Glacier Valley Baptist Church. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

I realize and recognize that each of us have our own religious convictions and I invite you to pray in your custom and habit.

God, thank You for the privilege to pray to You at the beginning of this week in this House of Representatives. Father, I pray the prayer of the chaplain of the U.S. Senate: "We need a profound spiritual awakening once again. Forgive our nation's humanistic secularism, materialism, and insensitivity to the problems of poverty, racism, and injustice. Lower Your plumb line of righteousness on every facet of our society and reveal what is out of plumb for what You desire." May our prayers draw us to Your heart. I want this prayer to begin a continuous conversation with You throughout this day. Help us to listen, discern Your will, and obey with faithfulness. You are our Lord and Savior. In the name of Jesus, I pray. Amen.

The Pledge of Allegiance was led by Representative Chenault.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 98th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HB 69

A message dated April 28, 2003, was read stating the Senate has passed HB 69 with the following amendment and it is transmitted for consideration:

SENATE CS FOR HOUSE BILL NO. 69(RES)

"An Act relating to regulation of shallow natural gas leasing and closely related energy projects; and providing for an effective date."

HB 69 is under Unfinished Business.

**The presence of Representative Gruenberg was noted.

A message dated April 28, 2003, was read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SJR 16

SENATE JOINT RESOLUTION NO. 16 by Senators Bunde, Wilken, Dyson, Cowdery, Taylor, Seekins, and Wagoner:

Encouraging the federal government to end the federal subsidy of ethanol, and requesting the Congress of the United States to mandate that land currently used to grow corn for the production of ethanol be returned to its natural state.

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

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 151**

CS FOR SENATE BILL NO. 151(L&C) by the Senate Labor & Commerce Committee, entitled:

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

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

**The presence of Representative Weyhrauch was noted.

COMMUNICATIONS

The following was received:

Dept. of Natural Resources
Division of Geological & Geophysical Surveys
Annual Report 2002
(as required by AS 41.08.030)

REPORTS OF STANDING COMMITTEES**HB 97**

The Finance Committee has considered:

HOUSE BILL NO. 97

"An Act authorizing a long-term lease of certain Alaska Railroad Corporation land at Anchorage; and providing for an effective date."

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

Do pass (5): Foster, Whitaker, Chenault, Croft, Williams

No recommendation (4): Stoltze, Hawker, Joule, Moses

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 97 was referred to the Rules Committee for placement on the calendar.

HB 105

The Finance Committee has considered:

HOUSE BILL NO. 105

"An Act relating to loans to satisfy past due federal tax obligations of commercial fishermen and to the commercial fishing loan program."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 105(FIN)
(same title)

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

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

No recommendation (3): Joule, Stoltze, Moses

The following fiscal note(s) apply to CSHB 105(FIN):

1. Fiscal, Dept. of Community & Economic Development

HB 105 was referred to the Rules Committee for placement on the calendar.

HB 192

The Finance Committee has considered:

HOUSE BILL NO. 192

"An Act designating the Department of Natural Resources as lead agency for resource development projects; making conforming amendments; and providing for an effective date."

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

Do pass (8): Meyer, Hawker, Stoltze, Chenault, Whitaker, Foster, Harris, Williams

No recommendation (2): Croft, Moses

The following fiscal note(s) apply:

1. Fiscal, Dept. of Natural Resources
2. Zero, Dept. of Environmental Conservation

HB 192 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES**SB 95**

The House Special Committee on Education has considered:

SENATE BILL NO. 95

"An Act relating to strikes by employees of a municipal school district, a regional educational attendance area, or a state boarding school, and requiring notice of at least 72 hours of a strike by those employees."

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

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

No recommendation (1): Gara

The following fiscal note(s) apply:

1. Zero, Dept. of Labor & Workforce Development

SB 95 was referred to the Labor & Commerce Committee.

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

HCR 20

HOUSE CONCURRENT RESOLUTION NO. 20 by the House Finance Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 115, relating to correctional industries.

was read the first time and referred to the Rules Committee for placement on the calendar.

HJR 27

HOUSE JOINT RESOLUTION NO. 27 by Representative Meyer:

Relating to support for a federal appropriation for expansion of the Anchorage Jail.

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF SENATE BILLS

SB 108

The following was read the second time:

SENATE BILL NO. 108

"An Act relating to payment rates under the Medicaid program for health facilities and to budgeting, accounting, and reporting requirements for those facilities; abolishing the Medicaid Rate Advisory Commission; and providing for an effective date."

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1181

with the:

Journal Page

FIN RPT HCS(FIN) 6DP 1NR
FN1: (HSS)

1124
1125

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

HOUSE CS FOR SENATE BILL NO. 108(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS SB 108(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

HCS SB 108(FIN) will advance to third reading on tomorrow's calendar.

SB 120

The following was read the second time:

SENATE BILL NO. 120

"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."

with the:

Journal Page

FIN RPT 6DP 1DNP 2NR
FN1: ZERO(ADM)
FN2: (LWF)

1125
1125
1125

Representative Coghill moved and asked unanimous consent that SB 120 be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

SB 120 will advance to third reading on tomorrow's calendar.

THIRD READING OF HOUSE BILLS

HB 203

The following, which was advanced to third reading from the April 28, 2003, calendar (page 1158), was read the third time:

HOUSE BILL NO. 203

"An Act relating to the definitions of 'net income' and 'unrestricted net income' for purposes of calculating the dividends to be paid to the state by the Alaska Industrial Development and Export Authority; and providing for an effective date."

The question being: "Shall HB 203 pass the House?" The roll was taken with the following result:

HB 203

Third Reading

Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 0 ABSENT: 1

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

Absent: Williams

And so, HB 203 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.

HB 203 was referred to the Chief Clerk for engrossment.

HB 212

The following, which was advanced to third reading from the April 28, 2003, calendar (page 1159), was read the third time:

CS FOR HOUSE BILL NO. 212(JUD)

"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."

The question being: "Shall CSHB 212(JUD) pass the House?" The roll was taken with the following result:

CSHB 212(JUD)

Third Reading

Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 0 ABSENT: 1

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

Absent: Williams

And so, CSHB 212(JUD) 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 citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Andre Hogg, Eagle Scout

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

Honoring - Travis Clark, Eagle Scout

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

Honoring - Kyle Russell, Eagle Scout

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

Honoring - Aaron Bruce, Eagle Scout

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

Honoring - Kevin Shaw, Eagle Scout

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

Honoring - Beta Sigma Phi

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

In Memoriam - Andres Aquino Cadiente, Sr.

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

In Memoriam - George "Bud" Danby

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

In Memoriam - Dora O. Ulukluk Mulch

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

In Memoriam - Muriel "Ruth" Lofstedt

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

In Memoriam - Noel Kathleen Grant Smith

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

UNFINISHED BUSINESS

HB 56

The Speaker added a Finance Committee referral to follow the Judiciary Committee referral for the following:

HOUSE BILL NO. 56

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

HB 56 is in the Judiciary Committee.

HCR 19

Representative Wilson, Chair of the Health, Education & Social Services Committee, moved and asked unanimous consent that the five-day notice for first public hearing be waived for a May 1, 2003, meeting on the following:

HOUSE CONCURRENT RESOLUTION NO. 19

Urging implementation of an Alaska history curriculum in public schools.

Representative Wilson moved and asked unanimous consent to withdraw the motion.

Representative Berkowitz objected and withdrew the objection.

Representative Wilson moved and asked unanimous consent to withdraw the previous motion. There being no objection, it was so ordered and the motion to waive the five-day notice was again before the House.

The Rules Committee Chair indicated that the motion would, in effect, also waive the Thursday notification requirement in Uniform Rule 23(a), and asked for a ruling.

The Speaker concurred and ruled that the motion was not procedural and would not be precedential for future application.

There being no objection, Uniform Rule 23(a) was waived and HCR 19 is scheduled for a Health, Education & Social Services Committee meeting on May 1, 2003.

HB 191

Representative McGuire, Chair, moved and asked unanimous consent that the Judiciary Committee referral be waived for the following:

HOUSE BILL NO. 191

"An Act relating to the Alaska coastal management program and to policies and procedures for consistency reviews and the rendering of consistency determinations under that program; relating to the functions of coastal resource service areas; creating an Alaska Coastal Program Evaluation Council; eliminating the Alaska Coastal Policy Council; annulling certain regulations relating to the Alaska coastal management program; relating to actions based on private nuisance; relating to zoning within a third class borough covered by the Alaska coastal management program; and providing for effective dates."

Representative Berkowitz objected.

Representative McGuire moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

HB 191 is in the Resources Committee.

HCR 14

Representatives Hawker and Ogg added their names as cosponsors to:

HOUSE CONCURRENT RESOLUTION NO. 14

Relating to urging school districts to implement an Alaska history curriculum.

HB 10

Representative Wolf added his name as cosponsor to:

HOUSE BILL NO. 10

"An Act amending the definition of group health insurance, and allowing the Department of Administration to obtain a policy or policies of group health care insurance for employers that are small businesses, nonprofit organizations, special services organizations, or small associations for insurance purposes; and providing for an effective date."

HB 102

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

HOUSE BILL NO. 102

"An Act relating to concealed deadly weapons."

HB 212

Representative Lynn added his name as cosponsor to:

CS FOR HOUSE BILL NO. 212(JUD)

"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 282

Representative Guttenberg added his name as cosponsor to:

HOUSE BILL NO. 282

"An Act relating to contracts between the University of Alaska and its employees involving research or other development of intellectual property and to the authority of the president of the University of Alaska regarding employee contracts for development of intellectual property."

ENGROSSMENT**HB 203**

HB 203 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 212

CSHB 212(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 224

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:

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."

HB 248

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:

HOUSE BILL NO. 248

"An Act relating to the annual salary of the chief procurement officer; and providing for an effective date."

ENROLLMENT**HCR 2**

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 4:45 p.m., April 28, 2003:

SENATE CS FOR CS FOR HOUSE CONCURRENT
RESOLUTION NO. 2(CRA)

Relating to the extension of the Alaska Railroad to Delta Junction and Fort Greely to support expanding resource development, agricultural, and military activities.

HB 64

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 4:45 p.m., April 28, 2003:

CS FOR HOUSE BILL NO. 64(JUD)

"An Act relating to court approval of the purchase of structured settlements."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meeting today has been changed as indicated:

House Special Committee on Education

CHANGED TO:

upon adj., 4/29

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 30, 2003. There being no objection, the House adjourned at 11:59 a.m.

Suzi Lowell
Chief Clerk