

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

May 1, 2003

One Hundred First Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:33 a.m.

Roll call showed 36 members present. Representative Gatto had been previously excused from a call of the House today. Representatives Croft and Kapsner were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Wilson be excused from a call of the House today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Dr. Ken Friendly of Lighthouse Christian Fellowship, Anchorage. Representative Fate moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Father, I pray that Your spirit fall afresh on us today. Oftentimes, our well of resources runs dry. We need Your strength to fill up our diminished reserves. Bless these legislators and all who work with and for them, that this will be a day in which they draw on Your limitless resources for dynamic leadership. Give them skillful and godly wisdom, so that these hours of discussion and debate may bring exposure of truth and resolution. In Jesus' name, Amen.

The Pledge of Allegiance was led by Representative Williams.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 99th and 100th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A letter dated April 30, 2003, was read stating that, in accordance with AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the boards and commissions set out below.

The Speaker referred the following to the Health, Education & Social Services Committee:

Professional Teaching Practices Commission

Cynthia Curran - Juneau

Appointed: 03/27/2001 Reappointed: 04/29/2003

Term Expires: 03/01/2006

University of Alaska Board of Regents

David J. Parks - Anchorage

Appointed: 06/01/2003 Term Expires: 06/01/2005

The Speaker referred the following to the Judiciary Committee:

Board of Governors of the Alaska Bar

William Granger - Anchorage

Appointed: 06/29/2001 Reappointed: 04/25/2003

Term Expires: 03/01/2006

The Speaker referred the following to the Labor & Commerce Committee:

Alaska Labor Relations Agency

Colleen Scanlon - Ketchikan

Appointed: 04/28/2003 Term Expires: 03/01/2005

Board of Barbers and Hairdressers

Charlette Lushin - Fairbanks

Appointed: 04/25/2003 Term Expires: 03/01/2006

Joylene A. Marrs - Anchorage

Appointed: 04/25/2003 Term Expires: 03/01/2004

Board of Chiropractic Examiners

Dr. David Mulholland - Anchorage

Appointed: 04/25/2003 Term Expires: 03/01/2006

State Medical Board

Dr. Rob Breffeilh - Juneau

Appointed: 04/25/2003 Term Expires: 03/01/2004

Board of Nursing

Mary Weymiller - Fairbanks

Appointed: 08/23/1999 Reappointed: 04/25/2003

Term Expires: 03/01/2007

Board of Pharmacy

William Altland - Craig

Appointed: 04/25/2003 Term Expires: 03/01/2007

Board of Psychologist and Psychological Associate Examiners

Dr. Lorin Bradbury - Bethel

Appointed: 04/25/2003 Term Expires: 03/01/2005

Dr. John Miller - Chugiak

Appointed: 04/25/2003 Term Expires: 03/01/2005

Real Estate Commission

Brad J. Fluetsch - Juneau

Appointed: 04/25/2003 Term Expires: 03/01/2007

Barbara Parker-Ramsey - Anchorage

Appointed: 04/25/2003 Term Expires: 03/01/2007

David B. Somers - Fairbanks

Appointed: 04/25/2003 Term Expires: 03/01/2007

Z. Kent Sullivan, Esq. - Juneau
Appointed: 04/25/2003 Term Expires: 03/01/2004

Board of Veterinary Examiners

Steven Torrence - Fairbanks
Appointed: 04/25/2003 Term Expires: 03/01/2006

The Speaker referred the following to the Resources Committee:

Board of Fisheries

Dr. Floyd F. Bouse - Fairbanks
Appointed: 07/01/2003 Term Expires: 06/30/2006

Robert (Ed) Dersham - Anchor Point
Appointed: 03/03/1997 Reappointed: 03/20/2000
Reappointed: 07/01/2003 Term Expires: 06/30/2006

Resumes for the appointments are on file in the Chief Clerk's office.

**The presence of Representatives Kapsner and Croft was noted.

MESSAGES FROM THE SENATE

HB 75

A message dated April 30, 2003, was read stating that the President has appointed the following members in the event a Conference Committee is required:

Senator Wilken
Senator Green
Senator Hoffman

to meet with a like committee from the House to consider:

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."

and

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO.
75(FIN)(brf sup maj fld S)
(same title)

CSSSHB 75(FIN) am(brf sup maj fld) is under Unfinished Business.

HB 76

A message dated April 30, 2003, was read stating that the President has appointed the following members in the event a Conference Committee is required:

Senator Wilken
Senator Green
Senator Hoffman

to meet with a like committee from the House to consider:

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."

and

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 76(FIN)
am S
(same title)

CSSSHB 76(FIN) is under Unfinished Business.

HB 140

A message dated April 30, 2003, was read stating the Senate has passed HB 140(efd fld) with the following amendment and it is transmitted for consideration:

SENATE CS FOR HOUSE BILL NO. 140(STA) am S(efd fld S)
"An Act relating to benefits for retired teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner."

HB 140(efd fld) is under Unfinished Business.

A message dated April 30, 2003, was read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 53

SENATE BILL NO. 53 by Senators Ogan and Dyson, entitled:

"An Act relating to disposition of a traffic offense involving the death of a person; providing for the revocation of driving privileges by a court for a driver convicted of a violation of traffic laws in connection with a fatal motor vehicle or commercial motor vehicle accident; amending Rules 43 and 43.1, Alaska Rules of Administration; and providing for an effective date."

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

SB 157

CS FOR SENATE BILL NO. 157(HES) by the Senate Health, Education & Social Services Committee, entitled:

"An Act relating to inpatient psychiatric services for persons who are under 21 years of age and are either eligible for medical assistance or are in the custody of the Department of Health and Social Services."

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

REPORTS OF STANDING COMMITTEES

HJR 5

The Finance Committee has considered:

HOUSE JOINT RESOLUTION NO. 5

Proposing an amendment to the Constitution of the State of Alaska relating to initiative and referendum petitions.

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

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

Do not pass (2): Stoltze, Croft

No recommendation (1): Hawker

Amend (1): Chenault

The following fiscal note(s) apply:

1. Fiscal, Office of the Governor

HJR 5 was referred to the Rules Committee for placement on the calendar.

HB 10

The Health, Education & Social Services Committee has considered:

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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 10(HES)

"An Act relating to pooling by employers and self-employed individuals for purposes of group health insurance; and providing for an effective date."

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

Do pass (3): Cissna, Seaton, Wolf

No recommendation (2): Coghill, Gatto

The following fiscal note(s) apply to CSHB 10(HES):

1. Zero, House Labor & Commerce Committee/Dept. of Administration

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

HB 24

The Judiciary Committee has considered:

HOUSE BILL NO. 24

"An Act relating to intergovernmental agreements regarding management of fish or game."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 24(JUD)

"An Act relating to intergovernmental agreements with the federal government regarding management of fish or game in the state."

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

Do pass (5): Holm, Samuels, Ogg, Gruenberg, McGuire

The following fiscal note(s) apply to CSHB 24(JUD):

1. Zero, House Resources Committee

HB 24 was referred to the Rules Committee for placement on the calendar.

HB 36

The Judiciary Committee has considered:

HOUSE BILL NO. 36

"An Act relating to electronic mail activities and making certain electronic mail activities unfair methods of competition or unfair or deceptive acts or practices under the Act enumerating unfair trade practices and consumer protections."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 36(L&C)

"An Act relating to unlawful electronic mail activities and making certain electronic mail activities unfair methods of competition or unfair or deceptive acts or practices under the state's unfair trade practices and consumer protection laws; and providing for an effective date."

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

Do pass (4): Ogg, Gruenberg, Gara, McGuire

No recommendation (2): Samuels, Holm

The following fiscal note(s) apply to CSHB 36(L&C):

1. Zero, Dept. of Law

HB 36 was referred to the Rules Committee for placement on the calendar.

HB 154

The Finance Committee 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(FIN)

"An Act relating to advancement in public schools of children under school age; and providing for an effective date for the Act of July 1, 2004."

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

Do pass (3): Foster, Whitaker, Meyer

No recommendation (7): Chenault, Croft, Joule, Stoltze, Hawker, Harris, Williams

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

2. Fiscal, Dept. of Education & Early Development

HB 154 was referred to the Rules Committee for placement on the calendar.

HB 225

The Judiciary Committee has considered:

HOUSE BILL NO. 225

"An Act relating to certain civil actions brought by the attorney general under monopoly and restraint of trade statutes; relating to the award of damages in actions brought under those statutes; and providing for an effective date."

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

Do pass (5): Samuels, Ogg, Holm, Gara, McGuire

Amend (1): Gruenberg

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Law

HB 225 was referred to the Rules Committee for placement on the calendar.

HB 233

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 233

"An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 233(EDU)
(same title)

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

Do pass (3): Seaton, Wolf, Gatto

No recommendation (1): Coghill

Amend (1): Cissna

The following fiscal note(s) apply to CSHB 233(EDU):

1. Fiscal, Dept. of Education & Early Development

HB 233 was referred to the Finance Committee.

HB 259

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 259

"An Act relating to public school transportation, and to the minimum wages for school bus drivers; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 259(L&C)

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

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

Do pass (2): Gatto, Dahlstrom

Do not pass (2): Crawford, Guttenberg

No recommendation (2): Rokeberg, Anderson

The following fiscal note(s) apply to CSHB 259(L&C):

1. Fiscal, Dept. of Education & Early Development

HB 259 was referred to the Finance Committee.

SB 105

The Finance Committee has considered:

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."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 105(HES)

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

(technical title change)

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

Do pass (5): Hawker, Whitaker, Foster, Harris, Williams

Do not pass (2): Joule, Croft

No recommendation (1): Moses

Amend (2): Stoltze, Chenault

The following fiscal note(s) apply to HCS CSSB 105(HES):

1. Fiscal, Dept. of Health & Social Services

CSSB 105(HES) am(efd fld) was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - John W. Katz
By Representative Gruenberg

Honoring - Cleo Bishop, Jr.
By Representative Gruenberg

Honoring - Susan Okeson
By Senators Guess, Green

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

Honoring - Julia Walker
By Representatives Masek, Morgan

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 294**

HOUSE BILL NO. 294 by Representatives Lynn, Heinze, and Dahlstrom, entitled:

"An Act relating to murder and assault of unborn children."

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

HB 295

HOUSE BILL NO. 295 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the publishing and furnishing of certain public notices regarding regulations or rules of certain state agencies; relating to distribution of the Alaska Administrative Code, Alaska Administrative Register, and supplements to the code or register; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Indeterminate, Office of the Governor/All Depts.

The Governor's transmittal letter dated April 30, 2003, follows:

"Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to change the Alaska Administrative Procedure Act and make other statutory improvements to provide for better and more cost-effective notice of regulatory changes.

First, the bill would allow certain state agencies to publish, in a newspaper or other publication, an abbreviated notice of proposed

regulatory changes that clearly describes the changes and how an interested person may obtain more detailed information through the Internet or in written form. Second, the bill also would amend a variety of state statutes to allow agencies the flexibility of sending out individual notices by means other than regular mail. This change would make these newspaper publication requirements consistent with the provision in the Administrative Procedure Act, that notice need be published in only one newspaper of general circulation in the state.

Under the Administrative Procedure Act, public notice of changes to regulations must be published in a newspaper of general circulation or other specified type of publication. This notice is to include an informative summary of the changes, which has been interpreted to require a comprehensive description. In practice this results in lengthy notices, usually in the classified advertisement section of the newspapers, that are expensive and often difficult to understand.

This bill would change this practice to allow for a more abbreviated notice in newspapers or other publications, clearly describing the subject matter of the changes and directing interested persons to more detailed information sources. Recognizing the utility and efficiency of the Internet, the bill requires detailed information on the changes to be available on the Alaska Online Public Notice System. Also, recognizing that the Internet is not available to all citizens, the bill would provide that detailed information be made available to interested persons by other means, if requested. Thus, the bill would allow state agencies to use the Internet to improve communications regarding regulatory changes, while still providing notice for those who do not yet have the access or ability to use the Internet.

The bill also would change statutory notice provisions for specific government entities to allow for the flexibility to use methods of communication other than regular mail in providing public notice of regulation or rule changes. There is a provision that notices shall be delivered by mail, upon request. This flexible approach was put into place in 2000 for regulations under the Administrative Procedure Act, and has proven effective. The changes in this bill would simply extend that flexibility to certain named state agencies. In addition, the bill would amend the statutes relating to publication of newspaper notices to make it consistent with the requirement in the

Administrative Procedure Act that notice be published in a single newspaper of general circulation. The governmental entities affected by these changes include the Alaska Teachers' Retirement Board, Alaska Aerospace Development Corporation, Alaska Railroad Corporation, Alaska Housing Finance Corporation, Department of Administration, Public Employees' Retirement Board, and the Alaska Industrial Development and Export Authority.

This bill also excludes specific government entities from having to publish an abbreviated notice in a newspaper or other publication relating to topics of concern to larger institutions and groups that have the ability to or already regularly communicate with the state through electronic means. These statutes include such areas as the Alaska Securities Act, the Alaska Trust Company Act, oil and gas leasing, state personnel rules, certifying authority for an electronic signature, Medicaid rate setting for facilities, and the Pipeline Act. When adopting regulations or rules under these specific statutes, the government agencies would continue to post the notice on the Alaska Online Public Notice System and furnish the notice to interested parties and other government entities, but would not be required to publish the abbreviated notice. The government entities affected by these changes include the lieutenant governor, Department of Administration, Department of Revenue, Department of Health and Social Services, State Assessment Review Board, Alaska Oil and Gas Conservation Commission, Department of Natural Resources, Department of Community and Economic Development, and the Regulatory Commission of Alaska.

The changes to public notice procedures made by the bill would be applicable to public notices issued on or after the effective date of the Act.

Lastly, this bill would amend the requirement for the lieutenant governor, at state expense, to supply a complete set of the Alaska Administrative Code, the Alaska Administrative Register, and each supplement to the code or register to the clerk of each local government unit. This bill allows local government units' clerks to request a paper or electronic copy of the publications, and would require payment for the requested copy. Because electronic access to the Alaska Administrative Code is currently available through the

legislature's website, and through links to that website found on various state agency websites, local governments still would have a "no-cost" option for access to the information.

I urge your prompt consideration and passage of this bill.

Sincerely,

/s/

Frank H. Murkowski
Governor"

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 86

The following was read the second time:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 86

"An Act relating to permits issued by the state; and amending Rules 65, 79, and 82, Alaska Rules of Civil Procedure."

with the:

Journal Page

RES RPT 6DP 1DNP	837
FN1: ZERO(LAW)	837
JUD RPT CS(JUD) NT 2DP 4NR	1196
FN1: ZERO(LAW)	1196

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

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 86(JUD)

"An Act relating to civil liability for malicious claims against state permitted projects; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Fate and Kerttula:

Page 1, line 1, following "**claims**" (title amendment):

Insert "**for injunctive relief**"

Page 1, line 5, following "**claim**":

Insert "**for injunctive relief**"

Page 1, line 6, following "claim":

Insert "for injunctive relief"

Page 2, line 8, following "claim":

Insert "for injunctive relief"

Representative Fate moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered and the new title follows:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
86(JUD) am

"An Act relating to civil liability for malicious claims for injunctive relief against state permitted projects; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that CSSSHB 86(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSSHB 86(JUD) am was read the third time.

The question being: "Shall CSSSHB 86(JUD) am pass the House?"
The roll was taken with the following result:

CSSSHB 86(JUD) am

Third Reading

Final Passage

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

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

Excused: Gatto, Wilson

Absent: Moses, Seaton

And so, CSSSHB 86(JUD) am 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 McGuire gave notice of reconsideration of the vote on CSSSHB 86(JUD) am.

HB 105

The following was read the second time:

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."

with the:	Journal Page
FSH RPT 3DP 3NR	509
FN1: (CED)	510
RES RPT 5DP 1DNP 2NR	1089
FN1: (CED)	1089
FIN RPT CS(FIN) 5DP 3NR	1178
FN1: (CED)	1178

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. 105(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 105(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 105(FIN) was read the third time.

The question being: "Shall CSHB 105(FIN) pass the House?" The roll was taken with the following result:

CSHB 105(FIN)
Third Reading
Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1

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

Excused: Gatto, Wilson

Absent: Rokeberg

And so, CSHB 105(FIN) passed the House and was referred to the Chief Clerk for engrossment.

HB 266

The following was read the second time:

HOUSE BILL NO. 266

"An Act relating to elections, questioned ballots and questioned voters, voter registration, training of election officials, preparation

of election materials, voter identification, absentee voting, counting ballots, and the primary election; and providing for an effective date."

with the:	Journal Page
STA RPT CS(STA) 2DP 1NR 1AM	1123
FN1: ZERO(GOV)	1124
FN2: ZERO(ADM)	1124
FIN RPT CS(FIN) NT 7DP 4NR	1198
FN1: ZERO(GOV)	1199
FN2: ZERO(ADM)	1199

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. 266(FIN)

"An Act relating to questioned ballots and questioned voters, voter registration, training of election officials, preparation of election materials, provision of election materials, forms, and supplies for polling places, voter identification, absentee voting, and counting ballots; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 266(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 266(FIN) was read the third time.

The question being: "Shall CSHB 266(FIN) pass the House?" The roll was taken with the following result:

CSHB 266(FIN)
Third Reading
Final Passage

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

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, 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, Williams, Wolf

Excused: Gatto, Wilson

And so, CSHB 266(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 266(FIN) was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 61

The following, which was advanced to third reading from the April 30, 2003, calendar (page 1204), was read the third time:

CS FOR HOUSE BILL NO. 61(FIN)

"An Act establishing an exploration and development incentive tax credit for operators and working interest owners directly 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 question being: "Shall CSHB 61(FIN) pass the House?" The roll was taken with the following result:

CSHB 61(FIN)

Third Reading

Final Passage

YEAS: 33 NAYS: 4 EXCUSED: 2 ABSENT: 1

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

Nays: Berkowitz, Gara, Kerttula, Masek

Excused: Gatto, Wilson

Absent: Moses

Dahlstrom changed from "Nay" to "Yea".

And so, CSHB 61(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 61(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 - Senator Alan Austerman

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

Honoring - Mark Sledge, 2003 National Military Fish and Wildlife Association Special Achievement Award

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

UNFINISHED BUSINESS

HB 295

The Speaker removed the Transportation Committee referral and added a State Affairs Committee referral to precede the Finance Committee referral for the following:

HOUSE BILL NO. 295

"An Act relating to the publishing and furnishing of certain public notices regarding regulations or rules of certain state agencies; relating to distribution of the Alaska Administrative Code, Alaska Administrative Register, and supplements to the code or register; and providing for an effective date."

HB 295 was referred to the State Affairs Committee.

HCR 6

Pursuant to:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 6(FSH)

Relating to the continuation of the Joint Legislative Salmon Industry Task Force until 2004.

Legislative Resolve No. 3

The Speaker appointed the following members to the joint task force:

Representative Williams
Representative Morgan
Representative Ogg, Alternate
Representative Seaton, Alternate

CONCUR IN SENATE AMENDMENTS**HB 75**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 1194) received at 8:09 a.m., April 30, 2003, on the following at this time:

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."

and

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO.
75(FIN)(brf sup maj fld S)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSSSHB 75(FIN) am(brf sup maj fld), thus adopting SCS CSSSHB 75(FIN)(brf sup maj fld S), and recommended that the members vote no.

The question being: "Shall the House concur in the Senate amendment to CSSSHB 75(FIN) am(brf sup maj fld)?" The roll was taken with the following result:

SCS CSSSHB 75(FIN)(brf sup maj fld S)
Concur

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

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

Excused: Gatto, Wilson

Absent: Foster, Moses

And so, the House failed to concur in the Senate amendment, thus failing to adopt SCS CSSSHB 75(FIN)(brf sup maj fld S).

The Chief Clerk notified the Senate and respectfully requested it to recede.

In the event the Senate fails to recede from its amendment, the Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate (page 1226) to consider the above bills:

Representative Harris, Chair
Representative Williams
Representative Croft

HB 76

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 1194) received at 8:09 a.m., April 30, 2003, on the following at this 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."

and

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 76(FIN)
am S
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSSSHB 76(FIN), thus adopting SCS CSSSHB 76(FIN) am S, and recommended that the members vote no.

The question being: "Shall the House concur in the Senate amendment to CSSSHB 76(FIN)?" The roll was taken with the following result:

SCS CSSSHB 76(FIN) am S
Concur

YEAS: 0 NAYS: 37 EXCUSED: 2 ABSENT: 1

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

Excused: Gatto, Wilson

Absent: Moses

And so, the House failed to concur in the Senate amendment, thus failing to adopt SCS CSSSHB 76(FIN) am S.

The Chief Clerk notified the Senate and respectfully requested it to recede.

In the event the Senate fails to recede from its amendment, the Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate (page 1127) to consider the above bills:

Representative Harris, Chair
Representative Williams
Representative Croft

HB 124

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 1195) on the following at this time:

HOUSE BILL NO. 124

"An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date."

and

SENATE CS FOR HOUSE BILL NO. 124(TRA)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to HB 124, thus adopting SCS HB 124(TRA).

The question being: "Shall the House concur in the Senate amendment to HB 124?" The roll was taken with the following result:

SCS HB 124(TRA)

Concur

YEAS: 1 NAYS: 35 EXCUSED: 2 ABSENT: 2

Yeas: Stoltze

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

Excused: Gatto, Wilson

Absent: Joule, Meyer

And so, the House failed to concur in the Senate amendment, thus failing to adopt SCS HB 124(TRA).

The Chief Clerk notified the Senate and respectfully requested it to recede.

In the event the Senate fails to recede from its amendment, the Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Holm, Chair
Representative McGuire
Representative Gruenberg

HB 140

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 1227) on the following at this time:

HOUSE BILL NO. 140(efd fld)

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

and

SENATE CS FOR HOUSE BILL NO. 140(STA) am S(efd fld S)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to HB 140(efd fld), thus adopting SCS HB 140(STA) am S(efd fld S) and recommended that the members vote yes.

Representative Coghill moved and asked unanimous consent to withdraw the motion to concur in the Senate amendment to HB 140(efd fld). There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent to withdraw the motion to consider the Senate message on HB 140(efd fld). There being no objection, it was so ordered.

HB 140(efd fld) is under Unfinished Business.

HB 69

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 1176) on the following at this time:

HOUSE BILL NO. 69

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

and

SENATE CS FOR HOUSE BILL NO. 69(RES)
(same title)

There being no objection, it was so ordered.

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 1:14 p.m.

AFTER RECESS

The Speaker called the House back to order at 1:53 p.m.

CONCUR IN SENATE AMENDMENTS
(Continued)

HB 69

The following were before the House:

HOUSE BILL NO. 69

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

and

SENATE CS FOR HOUSE BILL NO. 69(RES)
(same title)

Representative Harris rose to a point of order regarding reference to a vote in the other body.

The Speaker ruled that the point was well taken.

Representative Coghill moved that the House concur in the Senate amendment to HB 69, thus adopting SCS HB 69(RES).

The question being: "Shall the House concur in the Senate amendment to HB 69?" The roll was taken with the following result:

SCS HB 69(RES)

Concur

YEAS: 18 NAYS: 19 EXCUSED: 2 ABSENT: 1

Yeas: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Harris, Holm, Kohring, Kott, Lynn, McGuire, Meyer, Morgan, Rokeberg, Samuels, Stoltze, Whitaker

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Hawker, Heinze, Joule, Kapsner, Kerttula, Kookesh, Masek, Moses, Ogg, Seaton, Weyhrauch, Wolf

Excused: Gatto, Wilson

Absent: Williams

And so, the House failed to concur in the Senate amendment, thus failing to adopt SCS HB 69(RES).

The Chief Clerk notified the Senate and respectfully requested it to recede.

UNFINISHED BUSINESS

**Representative Coghill moved and asked unanimous consent that Representative Gruenberg be excused from a call of the House from 2:30 p.m. to 3:30 p.m., today. There being no objection, it was so ordered.

RECONSIDERATION

HB 102

Representative Masek brought up reconsideration of the vote on CSHB 102(STA) (page 1208).

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 102(STA)
"An Act relating to concealed deadly weapons."

Representative Cissna moved and asked unanimous consent that CSHB 102(STA) be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Cissna:

Page 2, line 3, following "residence"

Insert ";

(C) that is concealed on the person, and, if the deadly weapon is a handgun, the person has not completed, at some time preceding the possession, a handgun course that meets the requirements of AS 18.65.715 if a course meeting those requirements was offered within 50 miles of the person's residence when the person reached 21 years of age or at a time thereafter and at some time preceding the possession"

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

Representative Croft objected.

Amendment to Amendment No. 1 was offered by Representative Cissna:

Following "thereafter":

Delete "and"

Representative Cissna moved and asked unanimous consent that Amendment to Amendment No. 1 be adopted. There being no objection, it was so ordered.

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

CSHB 102(STA)--RECONSIDERATION

Second Reading

Amendment No. 1 as amended

YEAS: 5 NAYS: 33 EXCUSED: 2 ABSENT: 0

Yeas: Berkowitz, Cissna, Gara, Kerttula, Moses

Nays: Anderson, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wolf

Excused: Gatto, Wilson

And so, Amendment No. 1 as amended was not adopted.

The question to be reconsidered: "Shall CSHB 102(STA) pass the House?" The roll was taken with the following result:

CSHB 102(STA)--RECONSIDERATION

Third Reading

Final Passage

YEAS: 33 NAYS: 5 EXCUSED: 2 ABSENT: 0

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

Nays: Berkowitz, Cissna, Gara, Kerttula, Moses

Excused: Gatto, Wilson

And so, CSHB 102(STA) passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

CONCUR IN SENATE AMENDMENTS**HB 140**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 1227) on the following at this time:

HOUSE BILL NO. 140(efd fld)

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

and

SENATE CS FOR HOUSE BILL NO. 140(STA) am S(efd fld S)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to HB 140(efd fld), thus adopting SCS HB 140(STA) am S(efd fld S).

The question being: "Shall the House concur in the Senate amendment to HB 140(efd fld)?" The roll was taken with the following result:

SCS HB 140(STA) am S(efd fld S)

Concur

YEAS: 25 NAYS: 12 EXCUSED: 2 ABSENT: 1

Yeas: Chenault, Coghill, Dahlstrom, Fate, Foster, Harris, Hawker, Heinze, Holm, Joule, Kohring, Kookesh, Lynn, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wolf

Nays: Anderson, Berkowitz, Cissna, Crawford, Gara, Gruenberg, Guttenberg, Kapsner, Kerttula, Kott, Masek, Moses

Excused: Gatto, Wilson

Absent: Croft

And so, the House concurred in the Senate amendment, thus adopting SCS HB 140(STA) am S(efd fld S).

The Chief Clerk notified the Senate.

SCS HB 140(STA) am S(efd fld S) was referred to the Chief Clerk for enrollment.

UNFINISHED BUSINESS

HB 242

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

HOUSE BILL NO. 242

"An Act relating to licensing of certified public accountants."

HB 242 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

SPECIAL ORDER OF BUSINESS

Representative Coghill moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - Julia Walker, 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 - Julia Walker

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

UNFINISHED BUSINESS**HB 10**

Representative Cissna added her 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 61

Representatives Crawford and Lynn added their names as cosponsors to:

CS FOR HOUSE BILL NO. 61(FIN)

"An Act establishing an exploration and development incentive tax credit for operators and working interest owners directly 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."

HB 86

Representative McGuire added her name as cosponsor to:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 86(JUD) am

"An Act relating to civil liability for malicious claims for injunctive relief against state permitted projects; and providing for an effective date."

HB 183

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 183

"An Act relating to retirement contributions and benefits under the public employees' retirement system of certain juvenile detention employees and juvenile correctional institution employees."

SB 120

Reconsideration of the following was not taken up on this legislative day. It was signed by the Speaker and Chief Clerk and returned to the Senate:

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."

ENGROSSMENT**HB 61**

CSHB 61(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 102

CSHB 102(STA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 105

CSHB 105(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 266

CSHB 266(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.

With appointment of the Conference Committee on the operating budget, Rule 23(d) of the Uniform Rules is in effect as of May 1, 2003. Written notice of a meeting should be submitted by 4:00 p.m. to the Chief Clerk's office for publication in the next day's committee schedule.

HOUSE JOURNAL

1260

May 1, 2003

Majority Caucus

Speaker's Chamber

5:00 p.m., 5/1

The following meetings today have been changed as indicated:

Finance Committee

CHANGED TO:

3:00 p.m., 5/1

Transportation Committee

CANCELED:

1:30 p.m., 5/1

Health, Education & Social Services Committee

CANCELED:

3:00 p.m., 5/1

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., May 2, 2003. There being no objection, the House adjourned at 2:43 p.m.

Suzi Lowell
Chief Clerk