

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

May 6, 2003

#### One Hundred Sixth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:18 a.m.

Roll call showed 35 members present. Representatives Anderson and Crawford had been previously excused from a call of the House today until 11:00 a.m. and their presence was noted later. Representative Kapsner had been previously excused from a call of the House today. Representatives Chenault and Williams were absent and their presence was noted later.

The invocation was offered by the Chaplain, Pastor Robert Sherwood of Church of the Nazarene. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray. Hear the words of Paul:

"What then shall we say to these things? If God is for us, who can be against us? He who did not spare His own Son, but delivered Him up for us all, how shall He not with Him also freely give us all things? Who shall bring a charge against God's elect? It is God who justifies. Who is he who condemns? It is Christ who died, and furthermore is also risen, who is even at the right hand of God, who also makes intercession for us. Who shall separate us from the love of Christ? Shall tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword?

As it is written: 'For Your sake we are killed all day long; We are accounted as sheep for the slaughter.'

Yet in all these things we are more than conquerors through Him who loved us. For I am persuaded that neither death nor life, nor angels nor principalities nor powers, nor things present nor things to come, nor height nor depth, nor any other created thing, shall be able to separate us from the love of God which is in Christ Jesus our Lord."

In all the challenges we face this day, Father, grant these Representatives wisdom as they ask for it and grant them peace. Amen.

The Pledge of Allegiance was led by Representative Rokeberg.

### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 105th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

A letter dated May 5, 2003, was received from the Director of Boards and Commissions, Office of the Governor, correcting the April 30, 2003, letter of boards and commissions appointments (page 1224).

A copy of the letter is on file in the Chief Clerk's office.

The corrections are as follows:

#### **Board of Fisheries**

Robert (Ed) Dersham - Anchor Point

Appointed: 03/03/1997

Reappointed: 03/20/2000

Reappointed: 04/25/2003

Term Expires: 06/30/2006

The appointment was referred to the Resources Committee (page 1226).

**University of Alaska Board of Regents**

David J. Parks - Palmer

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

The appointment was referred to the Health, Education & Social Services Committee (page 1224).

**HB 71**

A message dated May 5, 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 CS FOR HOUSE BILL NO. 71(FIN)

"An Act extending the termination date of the Board of Certified Direct-Entry Midwives; and relating to the regulation of certified direct-entry midwives."

Chapter No. 16, SLA 2003

Effective Date: August 3, 2003

**SB 79**

A message dated May 5, 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. 79

"An Act extending the termination date of the Alaska Minerals Commission."

Chapter No. 17, SLA 2003

Effective Date: August 3, 2003

**SPECIAL ORDER OF BUSINESS**

Representative Kerttula announced the birth of Matthew Van Kapsner today, son of Representative Kapsner.

\*\*The presence of Representative Williams was noted.

### MESSAGES FROM THE SENATE

#### HB 146

A message dated May 5, 2003, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 146(HES)

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

CSHB 146(HES) was referred to the Chief Clerk for enrollment.

#### HB 59

A message dated May 5, 2003, was read stating the Senate has passed CSHB 59(FIN) am with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 59(FIN)

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

CSHB 59(FIN) am is under Unfinished Business.

A message dated May 5, 2003, was read stating the Senate has passed the following and they are transmitted for consideration:

### FIRST READING AND REFERENCE OF SENATE BILLS

#### SB 63

CS FOR SENATE BILL NO. 63(STA) by the Senate State Affairs Committee, entitled:

"An Act relating to transition provisions related to municipal mergers, consolidations, dissolutions, reclassifications, annexations, detachments, and incorporations; and relating to municipal property taxation in annexed, detached, and newly incorporated areas."

was read the first time and referred to the Community & Regional Affairs Committee.

**SB 88**

SENATE BILL NO. 88 by Senators Seekins, Wilken, Taylor, Dyson, Wagoner, Elton, Cowdery, Ben Stevens, and Therriault, entitled:

"An Act relating to standards for forest resources and practices; and providing for an effective date."

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

**SB 148**

SENATE BILL NO. 148 by Senators Cowdery, Elton, Wilken, Seekins, Wagoner, Dyson, Ben Stevens, Taylor, Guess, Bunde, Olson, and Therriault, entitled:

"An Act relating to allowable absences for certain members of the armed forces and their spouses and dependents for purposes of eligibility for permanent fund dividends; and providing for an effective date."

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs and the Finance Committee.

\*\*The presence of Representative Anderson was noted.

**SB 173**

SENATE BILL NO. 173(efd fld) by the Senate Rules Committee by request of the Governor, entitled:

"An Act repealing statutes pertaining to the Alaska Science and Technology Foundation and transferring money in the foundation's endowment; repealing statutes relating to the BIDCO

assistance program; repealing statutes pertaining to the international trade and business endowment and transferring money in the international trade and business endowment; transferring oversight administration of outstanding Alaska Science and Technology Foundation loans and grants to the Alaska Industrial Development and Export Authority; establishing an Alaska BIDCO assistance program to be administered by the Department of Community and Economic Development; and making conforming amendments."

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

### COMMUNICATIONS

A letter dated May 6, 2003, was received from Dana Fabe, Chief Justice of the Alaska Supreme Court, stating she has nominated the following public member to serve on the Select Committee on Legislative Ethics:

Marianne Stillner

The Speaker referred the appointment to the Judiciary Committee.

### REPORTS OF STANDING COMMITTEES

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

Richard Burton

as a member of the Commission on Judicial Conduct.

The report was signed by Representative McGuire, Chair; and Representatives Samuels, Holm, Gara, Ogg, and Gruenberg.

### HCR 10

The Resources Committee has considered:

**HOUSE CONCURRENT RESOLUTION NO. 10**

Relating to restoration of riparian habitat that is vital to the fisheries resources of the state.

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

Do pass (6): Lynn, Gatto, Morgan, Masek, Heinze, Fate

No recommendation (1): Wolf

The following fiscal note(s) apply:

1. Zero, Legislative Agency

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

**HJR 22**

The State Affairs Committee has considered:

**HOUSE JOINT RESOLUTION NO. 22**

Relating to the USA PATRIOT Act and to defending the Bill of Rights, the Constitution of the State of Alaska, and civil liberties.

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

Do pass (3): Seaton, Gruenberg, Weyhrauch

No recommendation (3): Holm, Lynn, Dahlstrom

The following fiscal note(s) apply:

1. Zero, Dept. of Law

HJR 22 was referred to the Judiciary Committee.

**HJR 23**

The State Affairs Committee has considered:

## HOUSE JOINT RESOLUTION NO. 23

Relating to the USA PATRIOT Act and to the peace and security of citizens of our country.

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

Do pass (4): Seaton, Gruenberg, Holm, Weyhrauch

No recommendation (2): Lynn, Dahlstrom

The following fiscal note(s) apply:

1. Zero, Dept. of Law

HJR 23 was referred to the Judiciary Committee.

**HB 155**

The Finance Committee has considered:

## HOUSE BILL NO. 155

"An Act relating to the submission of payroll information by contractors and subcontractors performing work on a public construction contract; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 155(FIN)

"An Act relating to the submission of payroll information by contractors and subcontractors performing work on a public construction contract; requiring a notice of work by employers on public construction contracts; providing for the withholding of final payment for public construction contracts; and providing for an effective date."

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

Do pass (5): Meyer, Hawker, Chenault, Whitaker, Williams



No recommendation (5): Stoltze, Joule, Croft, Moses, Harris

The following fiscal note(s) apply to CSHB 155(FIN):

2. Fiscal, Dept. of Labor & Workforce Development

HB 155 was referred to the Rules Committee for placement on the calendar.

**HB 162**

The Finance Committee has considered:

HOUSE BILL NO. 162

"An Act increasing the fee for a state business license; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 162(FIN)

"An Act relating to fees charged by certain state agencies; and providing for an effective date."

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

Do pass (3): Whitaker, Foster, Williams

Do not pass (1): Croft

No recommendation (7): Meyer, Hawker, Stoltze, Joule, Moses, Chenault, Harris

The following fiscal note(s) apply to CSHB 162(FIN):

2. Zero, Dept. of Natural Resources

3. Fiscal, Dept. of Community & Economic Development

HB 162 was referred to the Rules Committee for placement on the calendar.

**HB 199**

The Finance Committee has considered:

HOUSE BILL NO. 199

"An Act removing the annual adjustment to the minimum wage based on the rate of inflation; and providing for an effective date."

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

Do pass (3): Hawker, Foster, Williams

Do not pass (3): Joule, Croft, Harris

No recommendation (5): Meyer, Stoltze, Moses, Chenault, Whitaker

The following fiscal note(s) apply:

2. Zero, Dept. of Labor & Workforce Development

HB 199 was referred to the Rules Committee for placement on the calendar.

**HB 215**

The State Affairs Committee has considered:

HOUSE BILL NO. 215

"An Act repealing statutes that relate to art works in public buildings and facilities and that require a set percentage of construction costs to be spent on art."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 215(STA)

"An Act relating to art requirements for public buildings and facilities; relating to identification, monitoring, maintenance, and reporting of art in public buildings and facilities; and relating to the art in public places fund."

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

Do pass (1): Weyhrauch

No recommendation (5): Gruenberg, Holm, Lynn, Dahlstrom, Berkowitz

The following fiscal note(s) apply to CSHB 215(STA):

1. Zero, Dept. of Transportation & Public Facilities

HB 215 was referred to the Finance Committee.

### **HB 225**

The Finance 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 Williams, Co-chair, with the following individual recommendations:

Do pass (6): Meyer, Stoltze, Croft, Joule, Moses, Williams

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 243**

The Finance Committee has considered:

## HOUSE BILL NO. 243

"An Act establishing state agency program performance management and audit powers in the Office of the Governor for the evaluation of agency programs; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 243(STA)  
(same title)

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

Do pass (2): Meyer, Williams

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

The following fiscal note(s) apply to CSHB 243(STA):

2. Zero, Office of the Governor

HB 243 was referred to the Rules Committee for placement on the calendar.

**HB 247**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 247

"An Act repealing statutes pertaining to the Alaska Science and Technology Foundation and transferring money in the foundation's endowment; repealing statutes relating to the BIDCO assistance program; repealing statutes pertaining to the international trade and business endowment and transferring money in the international trade and business endowment; transferring oversight administration of outstanding Alaska Science and Technology Foundation loans and grants to the Alaska Industrial Development and Export Authority; establishing an Alaska BIDCO assistance program to be administered by the

Department of Community and Economic Development; making conforming amendments; and providing for an effective date."

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

Do not pass (3): Crawford, Guttenberg, Anderson

No recommendation (4): Lynn, Gatto, Dahlstrom, Rokeberg

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

HB 247 was referred to the Finance Committee.

**HB 283**

The Resources Committee has considered:

HOUSE BILL NO. 283

"An Act relating to limitations on coal leases."

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

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

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

HB 283 was referred to the Rules Committee for placement on the calendar.

**SJR 17**

The State Affairs Committee has considered:

SENATE JOINT RESOLUTION NO. 17

Relating to the Alaska-Yukon Intergovernmental Relations Accord, to annual legislative exchanges, and to continuing

intergovernmental work on matters of joint concern and mutual interest.

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

Do pass (4): Dahlstrom, Lynn, Holm, Weyhrauch

The following fiscal note(s) apply:

1. Zero, Senate State Affairs Committee

SJR 17 was referred to the Rules Committee for placement on the calendar.

**SB 87**

The Judiciary Committee has considered:

SENATE BILL NO. 87

"An Act relating to principal and income in the administration of trusts and decedents' estates and the mental health trust fund; adopting a version of the Uniform Principal and Income Act; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 87(JUD)  
(same title)

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

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

No recommendation (1): Gara

The following fiscal note(s) apply to HCS SB 87(JUD):

1. Zero, Dept. of Law

SB 87 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 - Judith Anderegg  
By Representative Gatto

Honoring - Aurora Borealis Charter School and Staff  
By Representative Wolf

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

#### **HB 278**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 278 by Representative Coghill, entitled:

"An Act relating to a masonic lodge license plate."

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

#### **HB 299**

HOUSE BILL NO. 299 by Representative Ogg, entitled:

"An Act giving notice of and approving, and authorizing the entry into and issuance of certificates of participation for, the upgrade, expansion, and replacement of certain jails; and providing for an effective date."

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

#### **HB 300**

HOUSE BILL NO. 300 by Representative Masek, entitled:

"An Act repealing the economic limit factor as it applies to oil; and providing for an effective date."

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

**HB 301**

HOUSE BILL NO. 301 by the House Rules Committee by request of the Governor, entitled:

"An Act establishing the Knik Arm Bridge and Toll Authority and relating to that authority; 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. Fiscal, Dept. of Transportation & Public Facilities

The Governor's transmittal letter dated May 5, 2003, follows:

"Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill establishing the Knik Arm Bridge and Toll Authority and relating to that authority.

This bill establishes an independent authority to build and operate a toll bridge over Knik Arm. The authority would be able to receive federal money and issue revenue bonds to finance the toll bridge and its appurtenant facilities. The authority would design, construct, and operate the bridge and its facilities.

The authority would be a public corporation that, although an instrumentality of the state within the Department of Transportation and Public Facilities, would have a separate independent legal existence from the state. The revenue of the authority would not become part of the general fund and the property of the authority would be exempt from taxation.



The bill establishes a three-person board to govern the authority. The commissioners of revenue and transportation and public facilities would serve on the board, along with a member of the public appointed by the governor for a five-year term.

Construction of a Knik Arm bridge is a cornerstone of my public transportation development plan. A Knik Arm bridge will unite Anchorage and the Matanuska-Susitna Borough to enable growth throughout southcentral Alaska.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski  
Governor"

The Speaker stated that, without objection, the House would recess for a Majority Caucus; and so, the House recessed at 10:50 a.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 11:46 a.m.

\*\*The presence of Representatives Chenault and Crawford was noted.

#### **CONSIDERATION OF THE DAILY CALENDAR**

#### **SECOND READING OF HOUSE BILLS**

#### **HB 25**

The following was read the second time:

#### **HOUSE BILL NO. 25**

"An Act relating to health care decisions, including do not resuscitate orders and the donation of body parts, and to powers of attorney relating to health care, including the donation of body parts; and providing for an effective date."

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with the:

Journal Page

HES RPT CS(HES) NT 7DP	488
FN1: ZERO(HSS)	488
JUD RPT CS(JUD) NT 5DP	811
FN1: ZERO(HSS)	812
FIN REFERRAL WAIVED	829

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. 25(JUD)

"An Act relating to health care decisions, including do not resuscitate orders, anatomical gifts, and mental health treatment decisions, and to powers of attorney relating to health care, including anatomical gifts and mental health treatment decisions; and providing for an effective date."

There being no objection, it was so ordered.

Amendment Nos. 1, 2, 3, 4, and 5 were not offered.

Representative Coghill moved and asked unanimous consent that CSHB 25(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 25(JUD) was read the third time.

The question being: "Shall CSHB 25(JUD) pass the House?" The roll was taken with the following result:

CSHB 25(JUD)

Third Reading

Final Passage

**YEAS: 38 NAYS: 1 EXCUSED: 1 ABSENT: 0**

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

Nays: Lynn

Excused: Kapsner

And so, CSHB 25(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 effective date clause. There being no objection, it was so ordered.

CSHB 25(JUD) was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would revert to:

#### MESSAGES FROM THE SENATE

##### SB 105

A message dated May 6, 2003, was read stating the Senate has failed to concur in the House amendment to:

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."

namely:

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)

and respectfully requests the House to recede from its amendment.

The House members of the Conference Committee are Representatives Wilson (Chair), Coghill, and Cissna (page 1324).

HCS CSSB 105(HES) is under Unfinished Business.

**SECOND READING OF HOUSE BILLS**  
(Continued)

**HB 191**

The following was read the second time:

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."

with the:

Journal Page

FSH RPT 2DP 2DNP 1NR 2AM	638
FN1: ZERO(DFG)	639
FN2: ZERO(DEC)	639
FN3: (DNR)	639
RES RPT CS(RES) NT 5DP 2DNP 2AM	1196
FN1: ZERO(DFG)	1197
FN2: ZERO(DEC)	1197
FN3: (DNR)	1197
DISCHARGED FROM JUD	1283
FIN RPT CS(FIN) NT 3DP 2DNP 4NR	1308
FN1: ZERO(DFG)	1309
FN2: ZERO(DEC)	1309
FN4: ZERO(DNR)	1309

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. 191(FIN)

"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; eliminating the Alaska Coastal Policy Council; annulling certain regulations relating to the Alaska coastal management program; and providing for an effective date."

There being no objection, it was so ordered.

Representative Kerttula moved and asked unanimous consent that CSHB 191(FIN) be removed from the calendar and referred to the Rules Committee.

Representative Fate objected.

Representative Coghill placed a call of the House.

The Speaker stated the call was satisfied.

The question being: "Shall CSHB 191(FIN) be removed from the calendar and referred to the Rules Committee?" The roll was taken with the following result:

CSHB 191(FIN)

Second Reading

Remove from Calendar, Refer to Rules Committee

**YEAS: 11 NAYS: 28 EXCUSED: 1 ABSENT: 0**

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Moses

Nays: 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, Williams, Wilson, Wolf

Excused: Kapsner

And so, the motion failed.

Amendment No. 1 was offered by Representative Fate:

Page 12, lines 28 - 29:

Delete "**affected** [INTERESTED]"  
Insert "interested"

Page 14, line 1:

Delete "(g) of this section,"  
Delete "AS 46.40.040(b),"

Page 22, line 30:

Delete "to the extent the regulations are not inconsistent with this Act"

Insert "notwithstanding any contrary provision of this Act"

Page 23, line 1, following "Notwithstanding":

Insert "any contrary provision of this Act,"

Page 23, lines 4 - 5:

Delete "that is not otherwise inconsistent with this Act or AS 46.40 as amended by this Act,"

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

Representative Kerttula objected.

Representative Kerttula moved and asked unanimous consent to divide the question.

The Speaker ruled that Amendment No. 1 was divisible.

There being no objection, Amendment No. 1 was divided.

Amendment No. 1, Part A:

Page 12, lines 28 - 29:

Delete "**affected** [INTERESTED]"  
Insert "interested"

Representative Fate moved and asked unanimous consent that Amendment No. 1, Part A be adopted.

Representative Berkowitz objected and withdrew the objection. There being no further objection, Amendment No. 1, Part A was adopted.

Amendment No. 1, Part B:

Page 14, line 1:

Delete "(g) of this section,"  
Delete "AS 46.40.040(b),"

Representative Fate moved and asked unanimous consent that Amendment No. 1, Part B be adopted.

Representative Kerttula objected.

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

CSHB 191(FIN) am  
Second Reading  
Amendment No. 1, Part B

**YEAS: 21 NAYS: 18 EXCUSED: 1 ABSENT: 0**

Yeas: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kohring, Lynn, McGuire, Meyer, Morgan, Rokeberg, Seaton, Stoltze, Williams, Wolf

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Kott, Masek, Moses, Ogg, Samuels, Weyhrauch, Whitaker, Wilson

Excused: Kapsner

Masek changed from "Yea" to "Nay".  
Wilson changed from "Yea" to "Nay".

And so, Amendment No. 1, Part B was adopted.

Amendment No. 1, Part C:

Page 22, line 30:

Delete "to the extent the regulations are not inconsistent with this Act"

Insert "notwithstanding any contrary provision of this Act"

Page 23, line 1, following "Notwithstanding":

Insert "any contrary provision of this Act,"

Page 23, lines 4 - 5:

Delete "that is not otherwise inconsistent with this Act or AS 46.40 as amended by this Act,"

Representative Fate moved and asked unanimous consent that Amendment No. 1, Part C be adopted.

Representative Kerttula objected.

Amendment to Amendment No. 1, Part C was offered by Representative Kerttula:

Following "Insert "notwithstanding any contrary provision of this Act"":

Insert "Page 22, line 31:

Delete "may"

Insert "shall"

Page 22, line 31, following "and":

Insert "may""

Representative Kerttula moved and asked unanimous consent that Amendment to Amendment No. 1, Part C be adopted.

Representative Weyhrauch objected.



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

CSHB 191(FIN) am  
Second Reading  
Amendment to Amendment No. 1, Part C

**YEAS: 17 NAYS: 18 EXCUSED: 1 ABSENT: 4**

Yeas: Berkowitz, Cissna, Crawford, Croft, Fate, Foster, Gara, Gruenberg, Guttenberg, Kerttula, Kott, Lynn, McGuire, Meyer, Morgan, Moses, Seaton

Nays: Anderson, Chenault, Coghill, Dahlstrom, Gatto, Harris, Hawker, Heinze, Holm, Joule, Ogg, Samuels, Stoltze, Weyhrauch, Whitaker, Williams, Wilson, Wolf

Excused: Kapsner

Absent: Kohring, Kookesh, Masek, Rokeberg

And so, Amendment to Amendment No. 1, Part C was not adopted.

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

CSHB 191(FIN) am  
Second Reading  
Amendment No. 1, Part C

**YEAS: 25 NAYS: 14 EXCUSED: 1 ABSENT: 0**

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

Nays: Anderson, Berkowitz, Cissna, Crawford, Croft, Gara, Gatto, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Moses, Weyhrauch

Excused: Kapsner

And so, Amendment No. 1, Part C was adopted.

Amendment No. 2 was offered by Representatives Kerttula and Berkowitz:

Page 1, line 1, through page 24, line 28 (title amendment):

Delete all material and insert:

**""An Act relating to development of guidelines and enforceable policies by the Alaska Coastal Policy Council; and providing for an effective date.""**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

\* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

ALASKA COASTAL POLICY COUNCIL. The Alaska Coastal Policy Council shall revise the "guidelines and standards" found at 6 AAC 80.010 - 6 AAC 80.900. The council shall develop guidelines for development of district coastal management programs. The council shall develop statewide enforceable policies to address coastal uses and resources subject to the Alaska coastal management program. Guidelines and enforceable policies shall be developed in consultation with coastal resource districts, state agencies, federal agencies, coastal tribal governments, local governments in coastal communities, and the public. The revision shall be completed not later than July 1, 2005.

\* **Sec. 2.** This Act takes effect July 1, 2003."

Representative Kerttula moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Fate objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 191(FIN) am  
Second Reading  
Amendment No. 2

**YEAS: 13 NAYS: 26 EXCUSED: 1 ABSENT: 0**

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Moses, Ogg, Seaton

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

Excused: Kapsner

And so, Amendment No. 2 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 191(FIN) am be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 191(FIN) am will advance to third reading on tomorrow's calendar.

**HB 209**

The following was read the second time:

HOUSE BILL NO. 209

"An Act relating to municipal property tax adjustments for property affected by a disaster."

with the:

Journal Page

CRA RPT CS(CRA) 7DP	867
FN1: ZERO(CED)	868
FIN REFERRAL WAIVED	1216
RLS RPT CS(RLS) 5DP 1NR	1309
FN1: ZERO(CED)	1309

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. 209(RLS)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 209(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 209(RLS) was read the third time.

The question being: "Shall CSHB 209(RLS) pass the House?" The roll was taken with the following result:

CSHB 209(RLS)  
Third Reading  
Final Passage

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

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

Excused: Kapsner

Absent: Berkowitz, Kohring

And so, CSHB 209(RLS) passed the House and was referred to the Chief Clerk for engrossment.

\*\*Representative Gruenberg, who had been previously excused (page 1328), left the Chamber.

#### **HB 234**

The following was read the second time:

HOUSE BILL NO. 234

"An Act relating to brewpubs, and continuing the existence of the Alcoholic Beverage Control Board; and providing for an effective date."

with the:	Journal Page
L&C RPT CS(L&C) NT 4DP 3NR	963
FN1: ZERO(REV)	963
FIN RPT CS(FIN) NT 3DP 3NR	1152
FN1: ZERO(REV)	1153
FN2: INDETERMINATE(DPS)	1153
RLS RPT CS(RLS) NT 1DP 4NR 1AM	1310
FN1: ZERO(REV)	1310
FN2: INDETERMINATE(DPS)	1310

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. 234(RLS)

"An Act relating to the Alcoholic Beverage Control Board; relating to the sale of beer manufactured at a brewpub; and providing for an effective date."

Representative Berkowitz objected.

The question being: "Shall the Rules Committee substitute be adopted?" The roll was taken with the following result:

HB 234

Second Reading

Adopt Rules CS

**YEAS: 31 NAYS: 5 EXCUSED: 2 ABSENT: 2**

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

Nays: Berkowitz, Cissna, Gara, Kerttula, Moses

Excused: Gruenberg, Kapsner

Absent: Croft, Masek

And so, CSHB 234(RLS) was adopted.

Amendment No. 1 was offered by Representatives Rokeberg and McGuire:

Page 1, line 1, following "Act" (title amendment):

Delete "**relating to**"

Insert "**extending the termination date of**"

Page 1, lines 7 - 9, following "agency.":

Delete all material and insert:

"The Board is in the Department of **Public Safety** [REVENUE], but for administrative purposes only."

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

Representative Berkowitz objected and withdrew the objection.

There being no further objection, Amendment No. 1 was adopted and the new title follows:

CS FOR HOUSE BILL NO. 234(RLS) am

"An Act extending the termination date of the Alcoholic Beverage Control Board; relating to the sale of beer manufactured at a brewpub; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that CSHB 234(RLS) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 234(RLS) am was read the third time.

The question being: "Shall CSHB 234(RLS) am pass the House?"  
The roll was taken with the following result:

CSHB 234(RLS) am

Third Reading

Final Passage

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

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

Excused: Gruenberg, Kapsner

Absent: Croft, Seaton

And so, CSHB 234(RLS) 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.

CSHB 234(RLS) am was referred to the Chief Clerk for engrossment.

### **HB 280**

The following was read the second time:

#### HOUSE BILL NO. 280

"An Act relating to the regulation of commercial motor vehicles to avoid loss or withholding of federal highway money, and to out-of-service orders concerning commercial motor vehicles; amending Rule 43.1, Alaska Rules of Administration; and providing for an effective date."

with the:	Journal Page
TRA RPT 5DP 2NR	1199
FN1: ZERO(ADM)	1199
FIN RPT CS(FIN) NT 7DP 2NR	1312
FN1: ZERO(ADM)	1313

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. 280(FIN)

"An Act relating to the regulation of commercial motor vehicles to avoid loss or withholding of federal highway money, and to out-

of-service orders concerning commercial motor vehicles; moving authority for commercial motor vehicle regulation from the Department of Public Safety to the Department of Transportation and Public Facilities; amending Rule 43.1, Alaska Rules of Administration; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 280(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 280(FIN) was read the third time.

The question being: "Shall CSHB 280(FIN) pass the House?" The roll was taken with the following result:

CSHB 280(FIN)

Third Reading

Final Passage

**YEAS: 35 NAYS: 0 EXCUSED: 2 ABSENT: 3**

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

Excused: Gruenberg, Kapsner

Absent: Croft, Guttenberg, Seaton

And so, CSHB 280(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 court rule change. 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 280(FIN) 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:

In Memoriam - Faye Connolly

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

### CONCUR IN SENATE AMENDMENTS

#### HB 59

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 1342) on the following at this time:

CS FOR HOUSE BILL NO. 59(FIN) am

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

and

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

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSHB 59(FIN) am, thus adopting SCS CSHB 59(FIN), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 59(FIN) am?" The roll was taken with the following result:

SCS CSHB 59(FIN)  
Concur

**YEAS: 34 NAYS: 0 EXCUSED: 2 ABSENT: 4**

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

Excused: Gruenberg, Kapsner

Absent: Croft, Dahlstrom, Guttenberg, Seaton

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 59(FIN).

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.

The Chief Clerk notified the Senate.

SCS CSHB 59(FIN) was referred to the Chief Clerk for enrollment.

### **UNFINISHED BUSINESS**

#### **HB 277**

The House Special Committee on Oil & Gas submitted the forthcoming fiscal notes to accompany their report (page 1316):

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

for the following:

**CS FOR HOUSE BILL NO. 277(O&G)**

"An Act relating to the powers of the Regulatory Commission of Alaska in regard to intrastate pipeline transportation services and pipeline facilities, to the rate of interest for funds to be paid by pipeline shippers or carriers at the end of a suspension of tariff filing, and to the application of orders affecting rates of regulated pipeline utilities."

HB 277 is in the Resources Committee.

**HCR 10**

Representative Gruenberg added his name as cosponsor to:

**HOUSE CONCURRENT RESOLUTION NO. 10**

Relating to restoration of riparian habitat that is vital to the fisheries resources of the state.

**HJR 3**

Representative Wolf removed his name as cosponsor 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 15**

Representative Wilson added her name as cosponsor to:

**HOUSE BILL NO. 15**

"An Act relating to establishing the Alaska No-Call List, a data base of residential telephone customers who do not wish to receive telephonic solicitations; providing that the data base be compiled at no cost to the customers; requiring paid telephonic sellers to purchase the data base; requiring telephonic sellers to identify themselves; requiring telephonic solicitors who are otherwise exempt from registration as telephonic solicitors to file with the Department of Law and purchase the data base; and providing for an effective date."

**HB 25**

Representatives Crawford, Joule, Gara, and Masek added their names as cosponsors to:

CS FOR HOUSE BILL NO. 25(JUD)

"An Act relating to health care decisions, including do not resuscitate orders, anatomical gifts, and mental health treatment decisions, and to powers of attorney relating to health care, including anatomical gifts and mental health treatment decisions; and providing for an effective date."

**HB 40**

Representative Weyhrauch added his name as joint prime sponsor to:

HOUSE BILL NO. 40

"An Act relating to issuance of a driver's license."

The sponsors are LYNN and WEYHRAUCH, and Chenault.

**HB 59**

Representative Lynn added his name as cosponsor to:

SENATE CS FOR CS FOR HOUSE BILL NO. 59(FIN)

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

**HB 209**

Representatives Seaton and Dahlstrom added their names as cosponsors to:

CS FOR HOUSE BILL NO. 209(RLS)

"An Act relating to municipal property tax adjustments for property affected by a disaster."

**HB 234**

Representatives Croft, Gara, and Lynn added their names as cosponsors to:

CS FOR HOUSE BILL NO. 234(RLS) am  
"An Act extending the termination date of the Alcoholic Beverage Control Board; relating to the sale of beer manufactured at a brewpub; and providing for an effective date."

**HB 250**

Representatives Foster and Croft added their names as cosponsors to:

HOUSE BILL NO. 250  
"An Act relating to protests of state contract awards, to claims on state contracts, to the arbitration of certain state construction contract claims, and to hearings and appeals under the State Procurement Code; making conforming amendments in the State Procurement Code; and providing for an effective date."

**HB 259**

Representative Kohring added his name as cosponsor to:

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."

**HB 260**

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 260  
"An Act relating to immunity for free health care services provided by certain health care providers; and providing for an effective date."

**HB 283**

Representatives Heinze, Holm, Wolf, and Whitaker added their names as cosponsors to:

HOUSE BILL NO. 283  
"An Act relating to limitations on coal leases."

**SB 64**

Representative McGuire added her name as cross sponsor to:

CS FOR SENATE BILL NO. 64(JUD)

"An Act relating to a requirement that certain consumer reporting agencies provide individuals with certain information without charge."

#### ENGROSSMENT

##### **HB 25**

CSHB 25(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

##### **HB 209**

CSHB 209(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

##### **HB 229**

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:

CS FOR HOUSE BILL NO. 229(FIN)

"An Act relating to special medical parole and to prisoners who are severely medically or cognitively disabled."

##### **HB 234**

CSHB 234(RLS) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

##### **HB 280**

CSHB 280(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.

Majority Caucus              Speaker's Chamber              5:00 p.m., 5/6

HOUSE JOURNAL

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The following meetings today have been changed as indicated:

Finance Committee

CHANGED TO: 2:45 p.m., 5/6

Transportation Committee

CHANGED TO: 2:50 p.m., 5/6

State Affairs Committee

CONTINUED TO: 5:30 p.m., 5/6

Resources Committee

CHANGED TO: after Majority Caucus, 5/6

House Special Committee on Oil & Gas

CANCELED: 3:15 p.m., 5/6

Judiciary Committee

CANCELED: 5:30 p.m., 5/6

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., May 7, 2003. There being no objection, the House adjourned at 2:31 p.m.

Suzi Lowell  
Chief Clerk