

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Thursday

May 8, 2003

#### One Hundred Eighth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:48 a.m.

Roll call showed 36 members present. Representative Kapsner had been previously excused from a call of the House today. Representative Weyhrauch was absent and his presence was noted later.

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

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

Let us pray. We read in Numbers 13:33, "And there we saw giants, the sons of Anak, which come of the giants, and we were in our own sight as grasshoppers, and so were we in their sight."

May we realize, Father, that this is an inventory with the main fact omitted. It is an estimate that leaves out God. Spiritual pessimism is the parent of moral paralysis. Let us not have our fighting power sapped by the apprehension that we are sure to be beaten.

Cause us to realize, Father, that there is mystical food which is gathered from the harvest that grows on heavenly fields. Cause our spirits to be fed on spiritual things that we might find our strength in the bread of life. Give us heavenly food which is the manna of heroes. Show us that courage is the product of grace. If we cut ourselves away from the things that are not seen, we break communion with our spiritual supplies and we lack adequate resource.

Pre-eminently, Father, when we see the giants, turn the eyes of our soul to You, Lord. If we are dismayed by a king, let us fix our gaze upon the King of Kings. Our mighty Friend will give us confidence to meet the foe. "The Lord is my light and my salvation, whom shall I fear? The Lord is the strength of my life, of whom shall I be afraid?"

Dear God, give Reggie Joule and Eric Croft healing and strength right now. In Your name we pray.

The Pledge of Allegiance was led by Representative Chenault.

#### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 107th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

#### **MESSAGES FROM THE SENATE**

##### **HB 2**

A message dated May 7, 2003, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 2(JUD)(title am)

"An Act relating to the statute of limitations for certain civil actions relating to acts constituting sexual offenses; and providing for an effective date."

CSHB 2(JUD)(title am) was referred to the Chief Clerk for enrollment.

**HB 114**

A message dated May 7, 2003, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 114(JUD)(title am)

"An Act relating to the issuance of a search warrant upon the sworn testimony or affidavit of a person communicated by telephone, other appropriate means, or facsimile machine."

CSHB 114(JUD)(title am) was referred to the Chief Clerk for enrollment.

**HB 75**

A message dated May 7, 2003, was read stating the President has granted limited powers of free conference to the Senate members of the Conference Committee considering:

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)

The Speaker had previously granted the limited powers of free conference on the specific points requested (page 1391).

**HB 76**

A message dated May 7, 2003, was read stating the President has granted limited powers of free conference to the Senate members of the Conference Committee considering:

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)

The Speaker had previously granted the limited powers of free conference on the specific points requested (page 1411).

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

**REPORTS OF STANDING COMMITTEES**

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

Dr. Floyd F. Bouse  
Robert (Ed) Dersham

as members of the Board of Fisheries.

The reports were signed by Representative Fate, Chair; and Representatives Morgan, Gatto, Lynn, Kerttula, Guttenberg, Wolf, and Masek

**HJR 26**

The Judiciary Committee has considered:

HOUSE JOINT RESOLUTION NO. 26  
Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from and inflation-proofing the Alaska permanent fund by establishing a percent of market value spending limit.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 26(JUD)  
Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from the Alaska permanent

fund based on an averaged percent of the fund market value to protect the fund from inflation and assure that the real value of the fund will be preserved over the long term.

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

Do pass (3): Ogg, Samuels, McGuire

No recommendation (3): Gruenberg, Gara, Holm

The following fiscal note(s) apply to CSHJR 26(JUD):

1. Fiscal, Office of the Governor
2. Zero, Dept. of Revenue

HJR 26 was referred to the Finance Committee.

### **HB 28**

The Resources Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 28

"An Act relating to adjustments to royalty reserved to the state to encourage otherwise uneconomic production of oil and gas; and providing for an effective date."

and recommends it be replaced with:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.  
28(RES)  
(same title)

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

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

No recommendation (2): Kerttula, Guttenberg

The following fiscal note(s) apply to CSSSHB 28(RES):

1. Zero, Dept. of Natural Resources

SSHB 28 was referred to the Finance Committee.

**HB 145**

The Judiciary Committee has considered:

HOUSE BILL NO. 145

"An Act relating to public interest litigants and to attorney fees; and amending Rule 82, Alaska Rules of Civil Procedure."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 145(JUD)

"An Act relating to public interest litigants and to attorney fees."

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

Do pass (2): Anderson, McGuire

Do not pass (2): Gara, Gruenberg

No recommendation (3): Holm, Samuels, Ogg

The following fiscal note(s) apply to CSHB 145(JUD):

1. Zero, Dept. of Law
3. Zero, Dept. of Administration

HB 145 was referred to the Finance Committee.

**HB 174**

The Finance Committee has considered:

HOUSE BILL NO. 174

"An Act relating to the state centralized correspondence study program, to funding for educational programs that occur primarily

outside school facilities, and to the duties of school boards of borough and city school districts and regional educational attendance areas; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 174(FIN)  
(same title)

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

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

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

The following fiscal note(s) apply to CSHB 174(FIN):

2. Fiscal, Dept. of Education & Early Development
3. Fiscal, Dept. of Education & Early Development

HB 174 was referred to the Rules Committee for placement on the calendar.

### **HB 205**

The Finance Committee has considered:

HOUSE BILL NO. 205

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

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

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

No recommendation (2): Stoltze, Moses

The following fiscal note(s) apply:

2. Zero, Dept. of Revenue

HB 205 was referred to the Rules Committee for placement on the calendar.

**HB 267**

The Resources Committee has considered:

HOUSE BILL NO. 267

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

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

Do pass (3): Lynn, Wolf, Fate

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

Amend (1): Gatto

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

HB 267 was referred to the Finance Committee.



**HB 268**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 268

"An Act relating to an exemption for specialty contractors under the laws regulating architects, engineers, land surveyors, and landscape architects."

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

Do pass (1): Anderson

No recommendation (4): Gatto, Crawford, Guttenberg, Rokeberg

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 268 was referred to the Rules Committee for placement on the calendar.

**HB 270**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 270

"An Act relating to the licensure of pharmacists; and providing for an effective date."

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

Do pass (4): Gatto, Crawford, Rokeberg, Anderson

No recommendation (1): Guttenberg

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 270 was referred to the Rules Committee for placement on the calendar.

**SB 173**

The Finance Committee has considered:

SENATE BILL NO. 173(efd fld)

"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."

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

Do pass (6): Meyer, Hawker, Chenault, Whitaker, Harris, Williams

No recommendation (2): Stoltze, Moses

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development
2. Fiscal, Dept. of Community & Economic Development

SB 173(efd fld) was referred to the Rules Committee for placement on the calendar.

**REPORTS OF SPECIAL COMMITTEES****HB 124**

The Conference Committee considering HB 124 and SCS HB 124(TRA) recommends the following be adopted:

## 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."

The report was signed by Representatives Holm (Chair); McGuire, Gruenberg; and Senators Cowdery (Chair), Ogan, French.

The following fiscal note(s) apply to HB 124:

1. Zero, Dept. of Administration
2. Zero, Dept. of Public Safety
4. Zero, Dept. of Transportation & Public Facilities

Representative Coghill moved that the House adopt the Conference Committee report, thus adopting HB 124.

The question being: "Shall the House adopt the Conference Committee report?" The roll was taken with the following result:

HB 124

Adopt Conference Committee Report

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

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

Excused: Croft, Joule, Kapsner

Absent: Berkowitz, Gara, Lynn, Masek, Rokeberg

And so, the House adopted the Conference Committee report, thus adopting HB 124.

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.

**INTRODUCTION OF CITATIONS**

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

Honoring - The Frontiersman Newspaper

By Representative Masek

Honoring - Juneau-Douglas High School Men's Basketball Team

By Representatives Kerttula, Weyhrauch; Senator Elton

Honoring - Juneau-Douglas High School Ocean Sciences Bowl Participants

By Representatives Kerttula, Weyhrauch; Senator Elton

Honoring - Alaska Vocational Technical School

By Representative Seaton

In Memoriam - Debra Lynne Marbach

By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Stella Martin

By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Major General James Edward Landrum, Jr.

By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Dorothy Marvin Rhodes

By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Eckley Kinnicutt Guerin

By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Virginia Hawkins Darling

By Representative Seaton

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

**HB 308**

HOUSE BILL NO. 308 by Representative Gara, entitled:

"An Act related to exchanging public land for privately held riverbank and stream bank lands."

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

**HB 309**

HOUSE BILL NO. 309 by Representatives Wolf, Rokeberg, and Gara, entitled:

"An Act prohibiting the release of nonindigenous predatory fish into public water."

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

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE BILLS**

**HB 165**

The following was read the second time:

HOUSE BILL NO. 165

"An Act relating to community schools; and providing for an effective date."

with the:

Journal Page

EDU RPT 5DP 2DNP	539
FN1: (EED)	539
HES RPT CS(HES) 4DP 2DNP 1NR	763
FN1: (EED)	763
FIN RPT CS(HES) 2DP 2DNP 5NR	1118
FN2: ZERO(EED)	1119

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. 165(HES)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Kerttula:

Page 1, line 1 (title amendment):

Delete all material.

Insert **""An Act making an appropriation for community schools; and providing for an effective date.""**

Page 1, lines 3 - 14:

Delete all material.

Insert **"\* Section 1. COMMUNITY SCHOOLS. The sum of \$500,000 is appropriated to the Department of Education and Early Development for the purposes of continuing the Community Schools program from the following sources:**

SOURCE	AMOUNT
General Fund	\$500,000"

Renumber the following section accordingly.

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

Representative Meyer objected.

Representative Berkowitz placed a call of the House.

The Speaker stated the call was satisfied.

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

CSHB 165(HES)  
 Second Reading  
 Amendment No. 1

**YEAS: 10 NAYS: 27 EXCUSED: 3 ABSENT: 0**

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

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

Excused: Croft, Joule, Kapsner

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 165(HES) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

CSHB 165(HES) will advance to third reading on tomorrow's calendar.

**HB 225**

The following was read the second time:

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."

with the:

Journal Page

EDT RPT 4DP 1NR

1024

FN1: INDETERMINATE(LAW)

1024

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JUD RPT 5DP 1AM	1232
FN1: INDETERMINATE(LAW)	1232
FIN RPT 6DP	1349
FN1: INDETERMINATE(LAW)	1349

Representative Coghill moved and asked unanimous consent that HB 225 be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

HB 225 will advance to third reading on tomorrow's calendar.

**HB 226**

The following was read the second time:

HOUSE BILL NO. 226

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

with the:

Journal Page

RES RPT 8DP	911
FN1: (DNR)	911
FIN RPT 8DP	1386
FN2: (H.FIN/DNR)	1386

Representative Coghill moved and asked unanimous consent that HB 226 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 226 was read the third time.

\*\*Representative Kookesh, who had been previously excused (page 1437), left the Chamber.



Representative Coghill placed a call of the House.

The call was satisfied.

Representative Gruenberg moved and asked unanimous consent that HB 226 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 Gruenberg:

Page 2, line 26:

Delete all material.

Renumber following sections accordingly.

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

The question being: "Shall HB 226 am pass the House?" The roll was taken with the following result:

HB 226 am  
Third Reading  
Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

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

Excused: Croft, Joule, Kapsner, Kookesh

And so, HB 226 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 Stoltze gave notice of reconsideration of the vote on HB 226 am.

**HB 250**

The following was read the second time:

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."

with the:	Journal Page
L&C RPT CS(L&C) 6DP	1047
FN1: INDETERMINATE(DOT)	1048
STA RPT CS(L&C) 6DP 1NR	1121
FN1: INDETERMINATE(DOT)	1122
FIN RPT CS(FIN) 3DP 3NR	1388
FN1: INDETERMINATE(DOT)	1388

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. 250(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 250(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 250(FIN) was read the third time.

The question being: "Shall CSHB 250(FIN) pass the House?" The roll was taken with the following result:

CSHB 250(FIN)  
 Third Reading  
 Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

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

Excused: Croft, Joule, Kapsner, Kookesh

And so, CSHB 250(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 250(FIN) was referred to the Chief Clerk for engrossment.

**HB 257**

The following was read the second time:

HOUSE BILL NO. 257

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

with the:	Journal Page
L&C RPT 1DP 5NR	984
FN1: ZERO(CED)	984
JUD RPT CS(JUD) NT 2DP 2NR 2AM	1311
FN1: ZERO(CED)	1312

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. 257(JUD)

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

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gara:

Page 4, lines 18 - 24:

Delete all material.

ReNUMBER the following bill sections accordingly.

Page 4, line 27:

Delete "(a)"

Page 4, line 29:

Delete "subsection"

Insert "section"

Page 4, line 31, through page 5, line 3:

Delete all material.

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

Representative Rokeberg objected.

Representatives Lynn and Rokeberg moved and asked unanimous consent that they be allowed to abstain from voting because of a conflict of interest. Objection was heard, and the members were required to vote.

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

CSHB 257(JUD)  
Second Reading  
Amendment No. 1

**YEAS: 8 NAYS: 28 EXCUSED: 4 ABSENT: 0**

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

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Gara:

Page 4, line 25, through page 5, line 3:  
Delete all material.

Renumber the following bill section accordingly.

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

Representative Rokeberg objected.

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

#### **REPORTS OF STANDING COMMITTEES**

##### **HJR 9**

The State Affairs Committee has considered:

HOUSE JOINT RESOLUTION NO. 9

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit and a spending limit.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 9(STA)

Proposing an amendment to the Constitution of the State of Alaska relating to an appropriation limit and a spending limit.

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

Do pass (3): Seaton, Lynn, Dahlstrom

No recommendation (3): Gruenberg, Holm, Weyhrauch

The following fiscal note(s) apply to CSHJR 9(STA):

1. Fiscal, Office of the Governor

HJR 9 was referred to the Judiciary Committee.

**HB 252**

The State Affairs Committee has considered:

HOUSE BILL NO. 252

"An Act relating to the terms of members of boards and commissions that regulate businesses and professions and to the duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 252(STA)

"An Act relating to the terms and duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors."

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

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

No recommendation (1): Berkowitz

The following fiscal note(s) apply to CSHB 252(STA):

1. Zero, Dept. of Community & Economic Development

HB 252 was referred to the Rules Committee for placement on the calendar.

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

**ANNOUNCEMENTS**

Majority Caucus	Speaker's Chamber	1:00 p.m., 5/8
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The following meetings today have been changed as indicated:

State Affairs Committee CONTINUED TO:	3:00 p.m., 5/8
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House Special Committee on Ways & Means CONTINUED TO:	call of the Chair, 5/8
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House Special Committee on Oil & Gas CANCELED:	3:15 p.m., 5/8
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The Speaker stated that, without objection, the House would recess until 5:00 p.m.; and so, the House recessed at 12:49 p.m.

**AFTER RECESS**

The Speaker called the House back to order at 6:31 p.m.

**SECOND READING OF HOUSE BILLS**  
(Continued)**HB 257**

The following, which was in second reading with Amendment No. 2 moved and pending, was before the House:

CS FOR HOUSE BILL NO. 257(JUD)

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

Representative Kerttula rose to a point of order and cited Mason's Manual Section 111(3).

The Speaker indicated the point was well taken.

Representative Coghill rose to a point of order regarding debating merits of a court case.

The Speaker cautioned members to refrain from discussion of the court case.

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

CSHB 257(JUD)

Second Reading

Amendment No. 2

**YEAS: 17 NAYS: 18 EXCUSED: 3 ABSENT: 2**

Yeas: Anderson, Berkowitz, Cissna, Crawford, Gara, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Kerttula, Kott, Masek, Seaton, Weyhrauch, Whitaker, Williams



Nays: Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Kohring, Lynn, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Stoltze, Wilson, Wolf

Excused: Croft, Joule, Kapsner

Absent: Kookesh, Moses

And so, Amendment No. 2 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 257(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 257(JUD) was read the third time.

Representative Crawford placed a call of the House and lifted the call.

The question being: "Shall CSHB 257(JUD) pass the House?" The roll was taken with the following result:

CSHB 257(JUD)

Third Reading

Final Passage

**YEAS: 20 NAYS: 12 EXCUSED: 3 ABSENT: 5**

Yeas: Anderson, Coghill, Dahlstrom, Fate, Foster, Harris, Heinze, Holm, Kohring, Kott, Lynn, McGuire, Morgan, Rokeberg, Samuels, Stoltze, Weyhrauch, Whitaker, Wilson, Wolf

Nays: Berkowitz, Cissna, Crawford, Gara, Gatto, Gruenberg, Guttenberg, Kerttula, Masek, Moses, Ogg, Williams

Excused: Croft, Joule, Kapsner

Absent: Chenault, Hawker, Kookesh, Meyer, Seaton

And so, CSHB 257(JUD) failed to pass the House.

Representative Stoltze gave notice of reconsideration of the vote on CSHB 257(JUD)(fld H).

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

### THIRD READING OF HOUSE BILLS

#### HB 195

The following, which was advanced to third reading from the May 7, 2003, calendar (page 1424), was read the third time:

CS FOR HOUSE BILL NO. 195(L&C) am

"An Act relating to coverage offered under an individual policy of health care insurance; relating to the state health insurance plan; and providing for an effective date."

The question being: "Shall CSHB 195(L&C) am pass the House?"  
The roll was taken with the following result:

CSHB 195(L&C) am

Third Reading

Final Passage

**YEAS: 27 NAYS: 6 EXCUSED: 4 ABSENT: 3**

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

Nays: Berkowitz, Crawford, Gara, Guttenberg, Kerttula, Ogg

Excused: Croft, Joule, Kapsner, Kookesh

Absent: Moses, Rokeberg, Wolf

And so, CSHB 195(L&C) 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 195(L&C) am was referred to the Chief Clerk for engrossment.

**SECOND READING OF HOUSE RESOLUTIONS****HCR 10**

The following was read the second time:

## HOUSE CONCURRENT RESOLUTION NO. 10

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

with the:	Journal Page
FSH RPT 4DP 1NR	816
FN1: ZERO(LEG)	816
RES RPT 6DP 1NR	1344
FN1: ZERO(LEG)	1345

The question being: "Shall HCR 10 pass the House?" The roll was taken with the following result:

HCR 10

Second Reading

Final Passage

**YEAS: 35 NAYS: 0 EXCUSED: 4 ABSENT: 1**

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

Excused: Croft, Joule, Kapsner, Kookesh

Absent: Moses

And so, HCR 10 passed the House and was referred to the Chief Clerk for engrossment.

**LEGISLATIVE CITATIONS**

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

Honoring - The Craig Panthers, Craig Boys' Basketball Team

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

In Memoriam - Joyce Anne Parkerson

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

In Memoriam - William Charles Grover, Jr.

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

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

#### **MESSAGES FROM THE SENATE**

A message dated May 8, 2003, was read stating the Senate has passed the following and they are transmitted for consideration:

#### **FIRST READING AND REFERENCE OF SENATE BILLS**

##### **SB 128**

CS FOR SENATE BILL NO. 128(FIN) am by the Senate Finance Committee, entitled:

"An Act relating to licensing common carriers to dispense alcoholic beverages; and providing for an effective date."

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

**SB 177**

SENATE BILL NO. 177 by Senators Ben Stevens, Taylor, Green, Wilken, Bunde, Cowdery, Dyson, Gary Stevens, Wagoner, Seekins, Elton, Therriault, and Olson, entitled:

"An Act relating to cost-of-living benefits for retired members in the public employees' retirement system and the teachers' retirement system who are called to active military duty; and providing for an effective date."

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

**REPORTS OF STANDING COMMITTEES****HB 32**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 32

"An Act relating to a health insurance uniform prescription drug information card; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 32(L&C)

"An Act relating to use of a uniform prescription drug information card and forms, standards, and procedures in processing health insurance claims; and providing for an effective date."

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

Do pass (4): Gatto, Crawford, Dahlstrom, Anderson

No recommendation (1): Rokeberg

Amend (1): Guttenberg

The following fiscal note(s) apply to CSHB 32(L&C):

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

HB 32 was referred to the Health, Education & Social Services Committee.

**HB 157**

The State Affairs Committee has considered:

HOUSE BILL NO. 157

"An Act eliminating the Alaska Public Offices Commission; transferring campaign, public official, and lobbying financial disclosure record-keeping duties to the division of elections; relating to reports, summaries, and documents regarding campaign, public official, and lobbying financial disclosure; providing for enforcement by the Department of Law; making conforming statutory amendments; and providing for an effective date."

and recommends it be replaced with a forthcoming State Affairs CS.

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

Do pass (3): Seaton, Lynn, Weyhrauch

No recommendation (3): Holm, Dahlstrom, Gruenberg

Amend (1): Berkowitz

The following fiscal note(s) apply to CSHB 157(STA):

1. Zero, Office of the Governor
2. Fiscal, Dept. of Administration
3. Fiscal, Dept. of Administration

HB 157 was referred to the Judiciary Committee.

**HB 288**

The State Affairs Committee has considered:

HOUSE BILL NO. 288

"An Act changing the name of the Department of Community and Economic Development."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 288(STA)

"An Act changing the name of the Department of Community and Economic Development to the Department of Commerce and Economic Development."

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

Do pass (3): Dahlstrom, Lynn, Holm

Do not pass (1): Berkowitz

No recommendation (3): Seaton, Gruenberg, Weyhrauch

The following fiscal note(s) apply to CSHB 288(STA):

1. Zero, Dept. of Community & Economic Development

HB 288 was referred to the Labor & Commerce Committee.

**SB 71**

The Transportation Committee has considered:

CS FOR SENATE BILL NO. 71(TRA)

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

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

Do pass (2): Fate, Holm

No recommendation (2): Kohring, Masek

The following fiscal note(s) apply:

1. Zero, Dept. of Transportation & Public Facilities

CSSB 71(TRA) was referred to the Finance Committee.

**SB 157**

The Health, Education & Social Services Committee has considered:

CS FOR SENATE BILL NO. 157(HES)

"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."

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

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

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

CSSB 157(HES) was referred to the Finance Committee.

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

**HB 274**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 274 by Representatives Dahlstrom and Crawford, entitled:

"An Act relating to the hours during which sale of alcohol and entry on licensed premises are allowed; and providing for an effective date."



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

**HB 310**

HOUSE BILL NO. 310 by Representative McGuire, entitled:

"An Act relating to recovery of civil damages by a peace officer or fire fighter; and providing for an effective date."

was read the first time and referred to the State Affairs and Judiciary Committees.

**HB 311**

HOUSE BILL NO. 311 by the House Labor & Commerce Committee, entitled:

"An Act requiring a subcontractor to obtain workers' compensation insurance covering the subcontractor and the subcontractor's employees and establishing responsibility of a contractor for obtaining workers' compensation coverage for the subcontractor and the subcontractor's employees if the subcontractor fails to obtain workers' compensation coverage; and providing for an effective date."

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

**HB 312**

HOUSE BILL NO. 312 by the House Rules Committee by request of the Governor, entitled:

"An Act giving notice of and approving the entry into and the issuance of certificates of participation for a lease-purchase agreement for a seafood and food safety laboratory facility; relating to the use of certain investment income for certain construction costs; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

The following fiscal note(s) apply:

1. Fiscal, Dept. of Environmental Conservation

The Governor's transmittal letter is forthcoming.

**HB 313**

HOUSE BILL NO. 313 by Representative McGuire, entitled:

"An Act authorizing a pilot program relating to state procurement and the use of electronic commerce tools; and providing for an effective date."

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

**UNFINISHED BUSINESS**

**HB 288**

The Speaker added a Community & Regional Affairs Committee referral to follow the Labor & Commerce Committee referral for the following:

HOUSE BILL NO. 288

"An Act changing the name of the Department of Community and Economic Development."

HB 288 is in the Labor & Commerce Committee.

Representative Coghill moved and asked unanimous consent that the following members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Croft - from today to 8:00 a.m., May 12, 2003

Representative Joule - from today to 10:00 a.m., May 18, 2003

Representative Kookesh - from 8:00 a.m., May 12 to 10:30 a.m.,  
May 14, 2003

**HB 157**

The Speaker waived the Judiciary Committee referral for the following at the request of Representative McGuire, Chair:

## HOUSE BILL NO. 157

"An Act eliminating the Alaska Public Offices Commission; transferring campaign, public official, and lobbying financial disclosure record-keeping duties to the division of elections; relating to reports, summaries, and documents regarding campaign, public official, and lobbying financial disclosure; providing for enforcement by the Department of Law; making conforming statutory amendments; and providing for an effective date."

HB 157 was removed from the Judiciary Committee and referred to the Finance Committee.

**HCR 21**

Representatives Chenault, Foster, and Morgan added their names as cosponsors to:

## HOUSE CONCURRENT RESOLUTION NO. 21

Relating to establishing the Alaska Energy Policy Task Force.

**HJR 22**

Representative Coghill added his name as first cosponsor to:

## 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.

**HB 205**

Representative Heinze added her name as cosponsor to:

## HOUSE BILL NO. 205

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent

fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

**HB 226**

Representatives Kerttula, Seaton, Dahlstrom, Masek, Crawford, Wilson, Gara, and Lynn added their names as cosponsors to:

HOUSE BILL NO. 226 am

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

**HB 250**

Representatives Samuels and Lynn added their names as cosponsors to:

CS FOR HOUSE BILL NO. 250(FIN)

"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 303**

Representatives Gara and Masek added their names as cosponsors to:

HOUSE BILL NO. 303

"An Act relating to youth courts and to the recommended use of criminal fines to fund the activities of youth courts; and relating to accounting for criminal fines."

**SJR 16**

Representative Holm added his name as cross sponsor to:

**SENATE JOINT RESOLUTION NO. 16**

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

**SB 155**

Representative Morgan added his name as cross sponsor to:

**CS FOR SENATE BILL NO. 155(RES)**

"An Act relating to predator control programs; and providing for an effective date."

**ENGROSSMENT****HCR 10**

HCR 10 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 191**

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. 191(FIN) am**

"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."

**HB 195**

CSHB 195(L&C) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 250**

CSHB 250(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**ENROLLMENT****HCR 7**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 12:05 p.m., May 8, 2003:

**CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RLS)**

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to executive sessions of legislative bodies; and providing for an effective date for the amendment.

**HCR 20**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 12:05 p.m., May 8, 2003:

**HOUSE CONCURRENT RESOLUTION NO. 20**

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

**HB 159**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 12:05 p.m., May 8, 2003:

**HOUSE BILL NO. 159**

"An Act relating to the frequency of examinations of certain persons licensed to engage in the business of making loans of money, credit, goods, or things in action; repealing the requirement for a state examination and evaluation of the Alaska Commercial Fishing and Agriculture Bank; and providing for an effective date."

**ANNOUNCEMENTS**

House committee schedules are published daily under separate cover.

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., May 9, 2003. There being no objection, the House adjourned at 8:10 p.m.

Suzi Lowell  
Chief Clerk