

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Friday

January 23, 2004

Twelfth Day

Pursuant to adjournment the House was called to order by Speaker pro tempore Coghill at 11:06 a.m.

Roll call showed 26 members present. Representatives Berkowitz, Chenault, Dahlstrom, Fate, Holm, Joule, Kookesh, Kott, Morgan, Rokeberg, Stepovich, Williams, and Wolf had been previously excused from a call of the House today. Representative Gara was absent.

The invocation was offered by the Chaplain, the Reverend Ron Covey of the Douglas Community United Methodist Church. Representative Croft moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Mr. Speaker, Honorable Representatives, members of the staff, and distinguished guests, and visitors, with deepest respect for the spiritual heritage of all Alaskans, we offer this prayer. Let us pray.

Creator God,

How humbling it is to reflect that You have made us in Your image and have placed within us a creative desire and a creative spirit. Your creation is so beautiful: the rugged coastlines, the towering spruce trees, the soaring eagle, the breaching whale. You have looked upon it all and called it good.

We pray for these women and men who gather here as our Representatives. Bless them with insight, patience, compassion, and a sense of humor. Guide them as they wrestle with issues, attitudes, policies, programs, new ideas, new bills, and leaky coffee cups. Strengthen them in mind, body, and spirit when the hour grows late, the debate grows long, the words become more sharp, and they begin to ask within their hearts, "Why in the world am I here?" Grant them the serenity to accept the things they cannot change, the courage to change the things they can, and the wisdom to distinguish the one from the other.

These are creative people, Lord. Help them to do the good they want to do. Amen.

The Pledge of Allegiance was led by Representative Guttenberg.

CERTIFICATION OF THE JOURNAL

Representative Foster, Acting Majority Leader, moved and asked unanimous consent that the journal for the 10th and 11th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

SPECIAL ORDER OF BUSINESS

Representative Kerttula announced the birth of Noah Benjamin Berkowitz on January 21, 2004, son of Representative Berkowitz.

COMMUNICATIONS

The following were received:

Dept. of Community & Economic Development
Report of the Local Boundary Commission
to the Second Session of the Twenty-Third
Alaska State Legislature
January 21, 2004
(as required by AS 29.06.040, and
art. X, sec. 12, Alaska Constitution)

A letter dated January 21, 2004, from Darroll Hargraves, Chair, Local Boundary Commission, was included, stating that there were no local boundary changes approved by the Commission in 2003 that require legislative review under Article X, Section 12 of the Alaska Constitution.

Dept. of Health & Social Services
Office of the Commissioner
Fiscal Year 2004 Operating Grants
December 29, 2003

Dept. of Revenue
Alaska Marine Highway System Fund
(as required by AS 19.65.070)

Dept. of Revenue
Alaska Marine Highway Vessel Replacement Fund
(as required by AS 37.05.550)

REPORTS OF STANDING COMMITTEES

HJR 4

The Judiciary Committee has considered:

HOUSE JOINT RESOLUTION NO. 4
Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 4(STA)
Proposing amendments to the Constitution of the State of Alaska relating to the duration of regular sessions of the legislature.

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

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

No recommendation (1): Gruenberg

The following fiscal note(s) apply to CSHJR 4(STA):

3. Fiscal, Office of the Governor
4. Fiscal, Legislative Agency

HJR 4 was referred to the Finance Committee.

HJR 30

The State Affairs Committee has considered:

HOUSE JOINT RESOLUTION NO. 30

Relating to supporting the repeal of the Government Pension Offset and the Windfall Elimination Provisions from the Social Security Act.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 30(STA)
(same title)

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

Do pass (3): Gruenberg, Seaton, Lynn

No recommendation (1): Weyhrauch

The following fiscal note(s) apply to CSHJR 30(STA):

1. Zero, Dept. of Administration

HJR 30 was referred to the Rules Committee for placement on the calendar.

HB 227

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 227

"An Act increasing the jurisdictional limit for small claims and for magistrates from \$7,500 to \$10,000; increasing the jurisdictional

limit of district courts in certain civil cases from \$50,000 to \$75,000; and amending Rule 11(a)(4), Alaska District Court Rules of Civil Procedure, relating to service of process for small claims."

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

Do pass (3): Guttenberg, Gatto, Anderson

No recommendation (3): Dahlstrom, Lynn, Crawford

Amend (1): Rokeberg

The following fiscal note(s) apply:

1. Indeterminate, Alaska Court System

The Speaker pro tempore added a Finance Committee referral to follow the Judiciary Committee referral.

HB 227 was referred to the Judiciary Committee

HB 282

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 282

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

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

Do pass (3): Cissna, Seaton, Wilson

No recommendation (1): Gatto

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
Fiscal note(s) forthcoming.

HB 282 was referred to the Labor & Commerce Committee

HB 285

The Judiciary Committee has considered:

HOUSE BILL NO. 285

"An Act adopting the Uniform Electronic Transactions Act; repealing certain statutes relating to electronic records and electronic signatures; amending Rule 402, Alaska Rules of Evidence; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 285(JUD)
(same title)

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

Do pass (7): Samuels, Holm, Gara, Ogg, Gruenberg, Anderson, McGuire

The following fiscal note(s) apply to CSHB 285(JUD):

2. Zero, Dept. of Natural Resources

HB 285 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 - Commander Sergio D.B. Cerda
By Senator Gary Stevens

In Memoriam - Gail Marie (Rabideau) Levesque
By Senator Green

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

Honoring - Kieth and Pat Harvey, 40th Wedding Anniversary Celebration
By Senator Therriault

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

HB 395

HOUSE BILL NO. 395 by Representatives Harris, Gatto, Stoltze, and Seaton, entitled:

"An Act relating to shallow natural gas leasing and the regulation of shallow natural gas operations."

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

HB 396

HOUSE BILL NO. 396 by Representative Chenault, entitled:

"An Act relating to management of salmon and other fish stocks and salmon fisheries and to the use of funds received by an enhancement facility from the sale of fish."

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

HB 397

HOUSE BILL NO. 397 by Representatives McGuire, Samuels, Dahlstrom, and Stoltze, entitled:

"An Act relating to defense contacts with and recordings of statements of victims or witnesses; and amending Rule 16, Alaska Rules of Criminal Procedure."

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

HB 398

HOUSE BILL NO. 398 by Representatives Dahlstrom, Stoltze, Samuels, McGuire, and Wilson, entitled:

"An Act relating to domestic violence fatality review teams."

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

CONSIDERATION OF THE DAILY CALENDAR**LEGISLATIVE CITATIONS**

Representative Foster 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 - John St. Germain and Jim Betts

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

Honoring - Ruth Elizabeth Atkinson, Ms. Chemawa for 2003-2004

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

Honoring - Benny Albert

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

In Memoriam - Joseph Trucano

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

In Memoriam - Dr. Mary C. Demientieff

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

UNFINISHED BUSINESS

Representative Foster 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 Anderson - from p.m., plane time, January 23 to a.m., plane time, January 26, 2004

Representative Kohring - from 8:00 a.m., January 26 to 7:00 p.m., January 27, 2004

SPECIAL ORDER OF BUSINESS

Representative Foster moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - Kieth and Pat Harvey, 40th Wedding Anniversary Celebration, be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

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

Honoring - Kieth and Pat Harvey, 40th Wedding Anniversary Celebration

By Senator Therriault; Representatives Kott, Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Kapsner, Kerttula, Kohring, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Samuels, Seaton, Stoltze, Weyhrauch, Wilson

UNFINISHED BUSINESS

HJR 30

Representative Morgan added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 30

Relating to supporting the repeal of the Government Pension Offset and the Windfall Elimination Provisions from the Social Security Act.

HJR 32

Representatives McGuire, Meyer, Croft, Gruenberg, and Kookesh added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 32

Relating to the labeling of salmon and salmon food products.

HB 296

Representative Meyer added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 296

"An Act making an appropriation to the Alaska Natural Gas Development Authority; and providing for an effective date."

HB 347

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 347

"An Act exempting taxicabs from the passenger vehicle rental tax; and providing for an effective date."

HB 351

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 351

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

HB 364

Representative Heinze removed her name as cosponsor to:

HOUSE BILL NO. 364

"An Act establishing a moratorium on the issuance of state shallow natural gas leases in the vicinity of Kachemak Bay, and directing the commissioner of natural resources to reacquire shallow natural gas leases on the Kenai Peninsula within the moratorium area; and providing for an effective date."

HB 365

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 365

"An Act relating to secondary school competency examinations, graduation requirements, and diplomas; and providing for an effective date."

HB 386

Representative Heinze added her name as cosponsor to:

HOUSE BILL NO. 386

"An Act exempting contracts of the Alaska Natural Gas Development Authority from the State Procurement Code; and providing for an effective date."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Foster moved and asked unanimous consent that the House adjourn until 11:00 a.m., January 26, 2004. There being no objection, the House adjourned at 11:33 a.m.

Suzi Lowell
Chief Clerk