

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

February 5, 2004

Twenty-fifth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:01 a.m.

Roll call showed 39 members present. Representative Harris had been previously excused from a call of the House today.

The invocation was offered by the Chaplain, Major Larry Fankhauser of The Salvation Army. Representative Fate moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Good morning Lord,

I thank You for this new day; may we never take each for granted. I would ask that Your spirit would be with each man and woman here this day. As we look to You, we can find strength and wisdom to accomplish the many tasks before us. I would pray this day not only for each Representative but also for their families. Keep them safe and calm their hearts as their loved one serves the peoples of this great state. Thank You, Lord, for all things this day. Amen.

The Pledge of Allegiance was led by Representative Kohring.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 24th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

REPORTS OF STANDING COMMITTEES**HB 29**

The Labor & Commerce Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29

"An Act relating to real estate licensees and real estate transactions; and providing for an effective date."

and recommends it be replaced with:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.

29(L&C)

(same title)

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

Do pass (6): Crawford, Lynn, Gatto, Rokeberg, Dahlstrom, Anderson

No recommendation (1): Guttenberg

The following fiscal note(s) apply to CSSSHB 29(L&C):

1. Zero, Dept. of Community & Economic Development

SSHB 29 was referred to the Judiciary Committee.

HB 322

The State Affairs Committee has considered:

HOUSE BILL NO. 322

"An Act requiring a municipal initiative or municipal referendum to be submitted to the voters at the next regular election occurring not sooner than 60 days after certification of the initiative or referendum petition."

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

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

No recommendation (1): Weyhrauch

The following fiscal note(s) apply:

1. Zero, Office of the Governor
2. Zero, Dept. of Community & Economic Development

HB 322 was referred to the Community & Regional Affairs Committee.

HB 339

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 339

"An Act relating to negative option plans for sales, to charges for goods or services after a trial period, and to acts that are unlawful as unfair trade practices."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 339(L&C)

"An Act relating to negative option plans for sales, to free trial periods for goods or services, and to acts that are unlawful as unfair trade practices."

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

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

No recommendation (2): Gatto, Rokeberg

Amend (1): Guttenberg

The following fiscal note(s) apply to CSHB 339(L&C):

1. Zero, Department of Law
2. Zero, Dept. of Community & Economic Development

HB 339 was referred to the Judiciary Committee.

HB 366

The State Affairs Committee has considered:

HOUSE BILL NO. 366

"An Act relating to rat racing charitable gaming; and providing for an effective date."

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

Do pass (3): Gruenberg, Seaton, Lynn

No recommendation (1): Weyhrauch

Amend (2): Holm, Coghill

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 366 was referred to the Finance Committee.

HB 367

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 367

"An Act relating to the licensing and regulation of sex-oriented businesses and sex-oriented business entertainers; relating to protection of the safety and health of and to education of young persons who perform in adult entertainment establishments; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 367(L&C)

"An Act relating to the licensing and regulation of sex-oriented businesses and sex-oriented business entertainers; and providing for an effective date."

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

Do pass (2): Dahlstrom, Anderson

No recommendation (3): Crawford, Lynn, Gatto

Amend (2): Rokeberg, Guttenberg

The following fiscal note(s) apply to CSHB 367(L&C):

1. Fiscal, Dept. of Community & Economic Development

HB 367 was referred to the Judiciary Committee.

INTRODUCTION OF CITATIONS

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

Honoring - National Senior Service Corps
By Representative Holm

Honoring - William G. Moran, Sr. & William G. Moran, Jr.
By Senator Stedman

In Memoriam - Wanita J. Conley
By Representative Coghill; Senator Therriault

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HJR 35**

HOUSE JOINT RESOLUTION NO. 35 by Representative Kerttula:

Relating to mad cow disease and country-of-origin labeling for meat products.

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

HJR 36

HOUSE JOINT RESOLUTION NO. 36 by Representatives Weyhrauch and Foster:

Requesting the National Park Service to mitigate the adverse economic effects of commercial fishing closures and restrictions in Glacier Bay National Park and Preserve.

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

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

HB 436

HOUSE BILL NO. 436 by Representative Chenault, entitled:

"An Act relating to the employment of, and contracting with, attorneys, guardians ad litem, public guardians, court-appointed visitors, and experts by the office of public advocacy; and providing for an effective date."

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

HB 437

HOUSE BILL NO. 437 by Representative Chenault, entitled:

"An Act requiring the Department of Education and Early Development to gather and report information about the school attendance status of every child who is a resident of the state who has been admitted to kindergarten or is of school age."

was read the first time and referred to the House Special Committee on Education and the Health, Education & Social Services Committee.

HB 438

HOUSE BILL NO. 438 by Representative Holm, entitled:

"An Act relating to motorists moving over or slowing down for emergency vehicles."

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

HB 439

HOUSE BILL NO. 439 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; relating to notaries public; relating to fees for issuing certificates with the seal of the state affixed; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Fiscal, Office of the Governor

The Governor's transmittal letter dated February 4, 2004, follows:

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the authority to take oaths, affirmations, and acknowledgements in the state to notaries public, and to fees for issuing certificates with the seal of the state affixed.

The primary purpose of the bill is to comprehensively update AS 44.50, the chapter that governs notaries public, which includes among its provisions qualifications to become a notary public, duties of notaries public, and liability in the event of misconduct or neglect. AS 44.50 has not been comprehensively revised since it was enacted in 1961. Sections 6-13 of the bill would repeal obsolete provisions, update antiquated language, and add new provisions where needed. Similarly, sections 2-4 of the bill would update statutes in AS 09, the Alaska civil code, relating to notaries' responsibilities when notarizing, verifying, and acknowledging signed instruments.

In addition, section 1 of the bill would conform the oath, affirmation, and acknowledgement statute at AS 09.63.010 to existing law. Section 5 of the bill would update a statute authorizing the Lieutenant Governor to collect fees for the issuance of certificates with the seal of the state affixed, increasing the fee to \$5 per certificate. Section 14 of the bill provides applicability provisions.

A more detailed description of the bill is found in a sectional analysis of the bill available from the office of the Lieutenant Governor.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor"

HB 440

HOUSE BILL NO. 440 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the Alaska Pioneers' Home, and the Alaska Veterans' Home; relating to eligibility for admission to the Alaska Pioneers' Home and Alaska Veterans' Home; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date."

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs and the Health, Education & Social Services and Finance Committees.

The following fiscal note(s) apply:

1. Fiscal, Dept. of Health & Social Services

The Governor's transmittal letter dated February 4, 2004, follows:

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the Alaska Pioneers' Home (APH) and Alaska Veterans' Home (AVH).

The purpose of the bill is two-fold: to authorize the establishment of an AVH under the umbrella of our existing APH system and to provide long-term financial stability for both our AVH and APH programs.

For over a decade, the State of Alaska has struggled to develop a viable plan for an AVH. The time has come to move beyond planning to make an AVH a reality. With passage of this bill, the state would have clear statutory authority to serve veterans within the APH system by identifying one or more homes as an AVH consistent with the requirements of the United States Veterans' Administration.

In addition, the bill would require that, as a condition for receipt of assistance to pay the cost of care in a home, a home resident could be required to apply for other state or federally sponsored programs whose benefits could reduce the amount of that assistance.

Taken together, these changes are designed to ensure the sustainability of the APH and AVH system over the long-term. Additional federal and other third-party payments are critical in order to maintain the high quality of care the homes provide and home residents expect and deserve. Over time, the Department of Health and Social Services is optimistic that several millions of dollars of additional resources can be obtained in third-party reimbursements annually to support operation of the homes.

In the absence of additional third-party receipts, the APH and the AVH would remain unduly dependent on state general fund support and resident fees. Given the state's ongoing fiscal constraints and the impracticality of requiring home residents to pay for the full cost of care, failure to adopt the measures included in this bill may well jeopardize the APH and AVH over the long term.

I urge your prompt and favorable action on this measure.

Sincerely yours,
/s/
Frank H. Murkowski
Governor"

HB 441

HOUSE BILL NO. 441 by Representatives Gara, Croft, Guttenberg, and Kerttula, entitled:

"An Act amending the oil and gas properties production (severance) tax as it relates to oil to require payment of a tax of at least five percent of the gross value at the point of production after application of the economic limit factor and before any adjustments authorized by this Act, to provide for adjustments to the tax when the prevailing value of the oil either exceeds or falls below specified limits and to limit the effect of the adjustments, to exempt certain kinds of oil from application of the adjustments, to waive the payment of a portion of the tax on oil when its prevailing value falls below specified limits, and to defer the payment of a portion of the tax on oil when its prevailing value falls below specified limits; and providing for an effective date."

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

RECONSIDERATION

HJR 5

Representative Rokeberg brought up reconsideration of the vote on HJR 5(fld H) (page 2493).

The following was again before the House in third reading:

HOUSE JOINT RESOLUTION NO. 5

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

Representative Rokeberg placed a call of the House.

The Speaker stated the call was satisfied.

The question to be reconsidered: "Shall HJR 5 pass the House?" The roll was taken with the following result:

HJR 5--RECONSIDERATION

Third Reading

Final Passage

YEAS: 27 NAYS: 12 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Hawker, Heinze, Holm, Joule, Kapsner, Kohring, Kookesh, Kott, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson, Wolf

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gatto, Gruenberg, Guttenberg, Kerttula, Lynn, Masek, Stoltze

Excused: Harris

And so, HJR 5 passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

CONSIDERATION OF THE DAILY CALENDAR

THIRD READING OF HOUSE BILLS

HB 31

The following, which was held from the February 4, 2004, calendar (page 2493), was read the third time:

HOUSE BILL NO. 31

"An Act relating to initiative and referendum petitions; and providing for an effective date."

The question being: "Shall HB 31 pass the House?" The roll was taken with the following result:

HB 31
Third Reading
Final Passage

YEAS: 27 NAYS: 11 EXCUSED: 1 ABSENT: 1

Yeas: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson, Wolf

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gatto, Gruenberg, Guttenberg, Lynn, Masek, Stoltze

Excused: Harris

Absent: McGuire

And so, HB 31 passed the House.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

HB 31 was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HR 8

The following was read the second time:

HOUSE RESOLUTION NO. 8

Recognizing February 6, 2004, as Ronald Reagan Day in Alaska.

The Rules Committee submitted the following fiscal note for HR 8:

1. Zero, House Rules Committee

Representative Rokeberg rose to a point of order stating the debate was straying from the resolution before the body.

The Speaker stated he would allow members some latitude in the debate.

The question being: "Shall HR 8 pass the House?" The roll was taken with the following result:

HR 8
Second Reading
Final Passage

YEAS: 37 NAYS: 1 EXCUSED: 1 ABSENT: 1

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

Nays: Cissna

Excused: Harris

Absent: Gatto

And so, HR 8 passed the House and was referred to the Chief Clerk for engrossment and enrollment.

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:

In Memoriam - Ruth Burnett

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

In Memoriam - Oscar Reese Swanson, "Boo Boo"

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

In Memoriam - Randy Smith

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

In Memoriam - Albert O'Neal Boxx

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

In Memoriam - Willie Virgle Sims, Sr.

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

In Memoriam - Annie Pearl Pollard

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

UNFINISHED BUSINESS

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 Heinze - from 7:04 p.m., February 5 to 10:00 p.m., February 8, 2004 (amended from page 2496)

Representative Kapsner - from 1:16 p.m., February 5 to 9:35 a.m., plane time, February 8, 2004

Representative McGuire - from 7:00 a.m., February 6 to 9:40 a.m., plane time, February 9, 2004

Representative Weyhrauch - from 7:00 a.m., February 11 to morning plane time, February 13, 2004

Representative Masek - from 7:04 p.m., February 11 to 9:02 p.m., plane time, February 15, 2004

Representative Holm - from 7:04 p.m., February 11 to 9:33 a.m., February 16, 2004

SB 183

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 2126) on the following at this time:

HOUSE CS FOR CS FOR SENATE BILL NO. 183(CRA) am H
"An Act relating to municipal property taxation in annexed and detached areas; and authorizing certain boroughs to use revenue collected on an areawide or nonareawide basis for economic development; and providing for an effective date."

(HCR 24 - title change resolution)

and

CS FOR SENATE BILL NO. 183(STA)

"An Act authorizing certain boroughs to use revenue collected on an areawide or nonareawide basis for economic development."

There being no objection, it was so ordered.

Representative Coghill moved that the House recede from its amendment to CSSB 183(STA), namely HCS CSSB 183(CRA) am H.

The question being: "Shall the House recede from its amendment to CSSB 183(STA)?" The roll was taken with the following result:

HCS CSSB 183(CRA) am H

Recede

YEAS: 26 NAYS: 8 EXCUSED: 1 ABSENT: 5

Yeas: Anderson, Cissna, Coghill, Fate, Foster, Gruenberg, Guttenberg, Heinze, Holm, Kerttula, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Berkowitz, Crawford, Croft, Gara, Joule, Kohring, Kookesh, Moses

Excused: Harris

Absent: Chenault, Dahlstrom, Gatto, Hawker, Kapsner

And so, the House receded from its amendment, thus adopting CSSB 183(STA).

CSSB 183(STA) was signed by the Speaker and Chief Clerk and returned to the Senate.

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

Representative Crawford - from 7:30 a.m., February 6 to 9:30 p.m., plane time, February 8, 2004

HR 8

Representatives Heinze, Dahlstrom, Kott, Morgan, Foster, Masek, Wolf, Holm, McGuire, Anderson, Hawker, Seaton, Lynn, and Kohring added their names as cosponsors to:

HOUSE RESOLUTION NO. 8

Recognizing February 6, 2004, as Ronald Reagan Day in Alaska.

HJR 32

Representatives Gatto and Joule added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 32

Relating to the labeling of salmon and salmon food products.

HB 123

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 123

"An Act relating to the allocation of money appropriated to the Alaska Human Resource Investment Council; and providing for an effective date."

ENGROSSMENT

HJR 5

HJR 5 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 31

HB 31 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.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 9, 2004. There being no objection, the House adjourned at 11:33 a.m.

Suzi Lowell
Chief Clerk