

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

February 18, 2004

Thirty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:02 a.m.

Roll call showed 33 members present. Representatives Berkowitz, Gara, Kerttula, Kookesh, Moses, and Rokeberg were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Kohring 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 Patrick Brayton of Valley Chapel. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Heavenly Father,

I come to You in Jesus' name to ask Your blessing over these, our Representatives in the State of Alaska. We commit this day's session into Your capable hands and invite Your involvement in all our affairs. Lord, You alone can see tomorrow, so please watch over us and be our guide in every decision made. May the daily deliberations of this body reflect a great measure of compassion and respect due to the presence of Your spirit. I pray that a supernatural unity born of You, Lord, will come to this Legislature to make it the most productive and efficient session in the history of our state. May that same spirit of unity be projected into the population of Alaska to heal wounds of division and bring

lasting peace and blessing to all Your people. Thank You, Lord, for hearing my prayer. May You receive the glory as You answer it. In Jesus' name. Amen.

The Pledge of Allegiance was led by the Assistant Sergeant-at-Arms.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 36th and 37th legislative days and House Journal Supplement No. 5, House and Senate Joint Journal Supplement No. 13, and Senate and House Joint Journal Supplement No. 14 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

* * * * *

Members and staff from the Yukon Legislative Assembly were guests in the House Chamber today.

Representative Heinze introduced the Honorable Ted Staffen, Speaker for the Yukon Legislative Assembly; the Honorable Elaine Taylor, Minister of Tourism and Culture and Minister of Justice; Glenn Hart, Minister of Highways and Public Works and Minister of Community Services; Haakon Arntzen, member of the Legislative Assembly; Brad Cathers, member of the Legislative Assembly; Todd Hardy, Leader of the Official Opposition; and Floyd McCormick, Deputy Clerk of the Legislative Assembly.

MESSAGES FROM THE GOVERNOR

The following letter dated February 17, 2004, was received:

"Dear Speaker Kott:

Enclosed for your consideration are copies of the four resolutions as presented to me, which were passed by the 55 delegates to the Conference of Alaskans, held February 10 – 12 in Fairbanks. I am also forwarding a letter adopted by the delegates.

In my view, the conference was a success and provided for broad public involvement. The delegates substantively debated before a statewide audience the four issues I had presented them. The conference served to elevate these crucial questions for the public by the tone and content of their debate. The conference should be seen by us all as an indication from the people to get us to resolution of our fiscal situation this year. I truly appreciate the sacrifice of time and effort made by each of the participants in the conference.

As you know, I asked the conference to provide responses to four questions related to the percent of market value approach to management of the Permanent Fund, use of a portion of Permanent Fund income to pay for essential public services, the dividend, and maintaining a minimum balance in the Constitutional Budget Reserve (CBR).

On the first and fourth questions, the conference was clear that it prefers the percent of market value approach to current management of the fund, and that a prudent balance should be maintained in the CBR.

On the second and third questions, the majority of the members of the conference agreed that a portion of the income should be used to support essential public services, and that the dividend should be protected in the Constitution. However, the specific details as to how those solutions should be crafted were appropriately left to the Legislature and the administration to work out.

I look forward to working with you and all members of the Legislature on those details, and crafting legislative approaches acceptable to the people of Alaska. Thank you for your cooperation.

Sincerely yours,

/s/

Frank H. Murkowski
Governor"

The Speaker referred the letter and enclosures to all members.

SB 173

A message dated February 16, 2004, 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. 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."

Chapter No. 2, SLA 2004

Effective Date: May 16, 2004

**The presence of Representatives Gara, Berkowitz, and Moses was noted.

COMMUNICATIONS

The following were received:

Alaska Mental Health Trust Authority
Annual Report 2003

Dept. of Education & Early Development
Annual Report 2003
February 15, 2004
(as required by AS 14.03.078)

Alaska Court System
Status of Surcharge Revenue
Fiscal Year 2004
(as required by Chapter No. 56, SLA 1998)

**The presence of Representative Kerttula was noted.

REPORTS OF STANDING COMMITTEES

HJR 34

The Labor & Commerce Committee has considered:

HOUSE JOINT RESOLUTION NO. 34

Requesting the United States Department of Agriculture and the United States Department of Labor to extend Trade Adjustment Assistance benefits to Alaska fishermen; requesting the United States Congress and the United States Department of Agriculture to extend additional disaster and price support benefits to Alaska salmon fishermen; and requesting the United States Department of Agriculture to establish terminal markets in Alaska for all covered commodities including salmon.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 34(FSH)

Requesting the United States Department of Agriculture and the United States Department of Labor to extend Trade Adjustment Assistance benefits to Alaska salmon fishermen; requesting the United States Congress and the United States Department of Agriculture to extend additional disaster and price support benefits to Alaska salmon fishermen; and requesting the United States Department of Commerce to establish a Trade Adjustment Assistance program specific to commercial fishermen.

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

Do pass (4): Lynn, Gatto, Guttenberg, Anderson

No recommendation (1): Dahlstrom

The following fiscal note(s) apply to CSHJR 34(FSH):

1. Zero, Legislative Agency

HJR 34 was referred to the Rules Committee for placement on the calendar.

HJR 35

The Labor & Commerce Committee has considered:

HOUSE JOINT RESOLUTION NO. 35

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

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 35(L&C)

Relating to bovine spongiform encephalopathy, commonly known as mad cow disease, and country-of-origin labeling for meat products.

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

Do pass (5): Crawford, Lynn, Gatto, Dahlstrom, Guttenberg

No recommendation (1): Anderson

The following fiscal note(s) apply to CSHJR 35(L&C):

1. Zero, House Labor & Commerce Committee

HJR 35 was referred to the Resources Committee.

HB 296

The Resources Committee has considered:

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."

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

Do pass (8): Kerttula, Guttenberg, Gatto, Lynn, Stepovich, Heinze, Masek, Dahlstrom

No recommendation (1): Wolf

SSHB 296 was referred to the Finance Committee.

HB 349

The Judiciary Committee has considered:

HOUSE BILL NO. 349

"An Act amending Rule 412, Alaska Rules of Evidence."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 349(JUD)
(same title)

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

Do pass (3): Samuels, Holm, McGuire

No recommendation (1): Gara

The following fiscal note(s) apply to CSHB 349(JUD):

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

HB 349 was referred to the Rules Committee for placement on the calendar.

HB 394

The State Affairs Committee has considered:

HOUSE BILL NO. 394

"An Act extending the Alaska Commission on Aging."

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

Do pass (6): Gruenberg, Seaton, Holm, Lynn, Berkowitz, Weyhrauch

No recommendation (1): Coghill

The following fiscal note(s) apply:

1. Fiscal, Dept. of Health & Social Services

HB 394 was referred to the Health, Education & Social Services Committee.

HB 403

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 403

"An Act relating to the Alaska Insurance Guaranty Association; relating to joint insurance arrangements and assessments to the association; relating to the powers of the Alaska Industrial Development and Export Authority concerning the association; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 403(L&C)

"An Act relating to the Alaska Insurance Guaranty Association; relating to the powers of the Alaska Industrial Development and Export Authority concerning the association; and providing for an effective date."

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

No recommendation (5): Lynn, Gatto, Dahlstrom, Guttenberg, Anderson

The following fiscal note(s) apply to CSHB 403(L&C):

1. Zero, Dept. of Labor & Workforce Development
2. Zero, Dept. of Community & Economic Development
3. Zero, Dept. of Community & Economic Development
4. Zero, Dept. of Community & Economic Development
5. Fiscal, Dept. of Administration

HB 403 was referred to the Judiciary Committee

**The presence of Representative Kookesh was noted.

HB 414

The Judiciary Committee has considered:

HOUSE BILL NO. 414

"An Act relating to filling the vacancy in the office of United States senator, and to the definition of 'political party.'"

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 414(JUD)

"An Act relating to filling a vacancy in the office of United States senator, and to the definition of 'political party.'"

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

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

No recommendation (2): Gruenberg, Gara

The following fiscal note(s) apply to CSHB 414 (JUD):

1. Zero, Office of the Governor

HB 414 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES

HB 338

The House Special Committee on Education has considered:

HOUSE BILL NO. 338

"An Act relating to attendance at public school; and providing for an effective date."

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

Do pass (6): Wilson, Ogg, Seaton, Gara, Kapsner, Gatto

No recommendation (1): Wolf

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Education & Early Development

HB 338 was referred to the Health, Education & Social Services Committee.

HB 353

The House Special Committee on Education has considered:

HOUSE BILL NO. 353

"An Act relating to jury duty; and amending Rule 15(k), Alaska Rules of Administration."

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

Do pass (3): Gara, Kapsner, Gatto,

No recommendation (2): Ogg, Wolf

Amend (2): Seaton, Wilson

The following fiscal note(s) apply:

1. Zero, Alaska Court System
2. Zero, Dept. of Education & Early Development

HB 353 was referred to the Health, Education & Social Services Committee.

HB 390

The House Special Committee on Education has considered:

HOUSE BILL NO. 390

"An Act relating to the required number of days in a school year."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 390(EDU)
(same title)

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

Do pass (6): Wilson, Ogg, Seaton, Gara, Kapsner, Gatto

No recommendation (1): Wolf

The following fiscal note(s) apply to CSHB 390(EDU):

1. Zero, Dept. of Education & Early Development

HB 390 was referred to the Health, Education & Social Services Committee.

HB 409

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 409

"An Act relating to the maximum length of salmon seine vessels;
and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 409(FSH)
(same title)

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

Do pass (3): Wilson, Heinze, Guttenberg

No recommendation (4): Gara, Ogg, Samuels, Seaton

The following fiscal note(s) apply to CSHB 409(FSH):

1. Zero, Dept. of Fish & Game

HB 409 was referred to the Resources Committee.

**The presence of Representative Rokeberg was noted.

INTRODUCTION OF CITATIONS

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

Honoring - Rempel Family, 2003 Farm Family of the Year
By Representative Stoltze

In Memoriam - Mary Nicoli
By Representative Morgan

In Memoriam - Peter Bryan McDowell
By Senator Elton; Representatives Weyhrauch, Kerttula

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

HB 515

HOUSE BILL NO. 515 by the House Labor & Commerce Committee, entitled:

"An Act relating to the regulation of municipal water and sewer utilities not in competition with other water and sewer utilities."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 282

The following was read the second time:

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."

with the:

Journal Page

HES RPT 3DP 1NR	2373
FN1: ZERO(ADM)	2373
FN2: ZERO(UA)	2436
L&C RPT 4DP 3NR	2479
FN1: ZERO(ADM)	2480
FN2: ZERO(UA)	2480

Representative Coghill moved and asked unanimous consent that HB 282 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 282 was read the third time.

The question being: "Shall HB 282 pass the House?" The roll was taken with the following result:

HB 282
Third Reading
Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 1 ABSENT: 0

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

Excused: Kohring

And so, HB 282 passed the House.

Representative Berkowitz gave notice of reconsideration of the vote on HB 282.

HB 340

The following was read the second time:

HOUSE BILL NO. 340

"An Act relating to damages in an action for a defect in the design, construction, and remodeling of certain dwellings; and providing for an effective date."

with the:	Journal Page
L&C RPT CS(L&C) 1DP 4NR	2390
FN1: ZERO(CED)	2390
JUD RPT CS(JUD) 5DP 1NR	2563
FN1: ZERO(CED)	2564

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. 340(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Gruenberg and Meyer:

Page 3, line 2:
Delete "or"
Insert ","

Page 3, line 3, following "claim":
Insert ", or any amount the claimant is required to repay under the terms of the homeowner's warranty contract or homeowner's insurance policy"

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted.

Amendment No. 2 was offered by Representatives Weyhrauch and Meyer:

Page 2, line 27, following "fees":
Insert "and costs"

Representative Weyhrauch moved and asked unanimous consent that Amendment No. 2 be adopted. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 340(JUD) am be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

CSHB 340(JUD) am will advance to third reading on tomorrow's calendar.

SECOND READING OF SENATE RESOLUTIONS

SCR 21

The following was read the second time:

SENATE CONCURRENT RESOLUTION NO. 21

Relating to declaring March 2004 as Sobriety Awareness Month.

The question being: "Shall SCR 21 pass the House?" The roll was taken with the following result:

SCR 21

Second Reading

Final Passage

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

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

Excused: Kohring

Absent: Moses

And so, SCR 21 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

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 - Aware Women of Distinction 2004, Beth Belflower, Mildred Boesser, Laury Roberts Scandling, and Vicki Soboleff
By Representatives Weyhrauch, Kerttula, Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kapsner, Kohring, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Williams, Wilson, Wolf; Senator Elton

Honoring - Edward Lee Gorsuch
By Senator Davis; Representatives Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kapsner, Kerttula, Kohring, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, 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 Crawford - from 7:30 p.m., February 20 to 7:00 p.m., February 22, 2004

Representative Samuels - from evening plane time, February 20 to morning plane time, February 23, 2004

Representative Seaton - from noon, February 20 to 11:30 p.m., February 24, 2004

Representative Chenault - from 6:00 p.m., February 19 to 9:30 p.m., plane time, February 22, 2004; and from evening plane time, February 24 to evening plane time, March 2, 2004

Representative Kookesh - from 8:00 a.m., February 25 to 5:00 p.m., February 26, 2004; and from 8:00 a.m., March 9 to 5:00 p.m., March 11, 2004

HB 338

The Speaker added a Finance Committee referral to follow the Health, Education & Social Services Committee referral for the following:

HOUSE BILL NO. 338

"An Act relating to attendance at public school; and providing for an effective date."

HB 338 is in the Health, Education & Social Services Committee.

HB 394

The Speaker added a Finance Committee referral to follow the Health, Education & Social Services Committee referral for the following:

HOUSE BILL NO. 394

"An Act extending the Alaska Commission on Aging."

HB 394 is in the Health, Education & Social Services Committee.

HCR 32

Representative Crawford added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 32

Relating to information infrastructure and establishing the Alaska Information Infrastructure Policy Task Force.

HJR 35

Representative Guttenberg added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 35

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

HJR 40

Representative Crawford added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 40

Relating to a commitment that any bill replacing an initiative that was certified to be placed on the ballot not be amended for at least two years after enactment; and to a commitment to refrain from

passing a bill that would void an initiative to allow direct elections to fill vacancies in the office of United States Senator.

HJR 41

Representative Crawford added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 41
Relating to support for the Federal Land Recreational Visitor Protection Act.

HJR 42

Representatives Croft, Wolf, and Harris added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 42
Requesting Exxon Mobil Corporation to pay claimants for court-ordered damages resulting from the Exxon Valdez oil spill.

HB 91

Representatives Meyer and Stepovich added their names as cosponsors to:

HOUSE BILL NO. 91
"An Act relating to a cost-of-living allowance and medical benefits for retired peace officers after 20 years of credited service."

HB 213

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 213
"An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date."

HB 282

Representatives Stepovich, Harris, Heinze, Lynn, and Cissna added their names as cosponsors to:

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."

HB 294

Representative Meyer added his name as cosponsor to:

HOUSE BILL NO. 294

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

HB 337

Representatives Foster and Hawker added their names as cosponsors to:

HOUSE BILL NO. 337

"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, and to motor vehicle licenses and registrations."

HB 340

Representative Lynn added his name as cosponsor to:

CS FOR HOUSE BILL NO. 340(JUD) am

"An Act relating to damages in an action for a defect in the design, construction, and remodeling of certain dwellings; and providing for an effective date."

HB 493

Representatives Gatto and Wilson added their names as cosponsors to:

HOUSE BILL NO. 493

"An Act relating to adoption and revision of a long-term fiscal plan for the State of Alaska."

SCR 21

Representatives Dahlstrom, Lynn, and Guttenberg added their names as cross sponsors to:

SENATE CONCURRENT RESOLUTION NO. 21
Relating to declaring March 2004 as Sobriety Awareness Month.

ENGROSSMENT AND ENROLLMENT

HR 8

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:55 a.m., February 17, 2004:

HOUSE RESOLUTION NO. 8
Recognizing February 6, 2004, as Ronald Reagan Day in Alaska.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

Majority Caucus Speaker's Chamber 11:00 a.m., 2/17

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 19, 2004. There being no objection, the House adjourned at 10:46 a.m.

Suzi Lowell
Chief Clerk