

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

April 14, 2004

#### Ninety-fourth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:20 a.m.

Roll call showed 38 members present. Representative Wilson had been previously excused from a call of the House today. Representative Gara was absent and his presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Kott be excused from a call of the House from 1:00 p.m. today to 1:00 p.m., plane time, April 18, 2004 (amended from page 3301). There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Pastor Larry Rorem of Shepherd of the Valley Lutheran Church. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

In deepest respect for the religious beliefs of each person here,  
I invite you into a time of prayer and reflection. Let us pray.

Dear Lord,

Be with our state and its leaders so that we never take ourselves so seriously that we cannot be open to learning from one another. May learning not be top down but horizontal with respect for every person and every issue. May shared voices result in decisions that honor all the people of our state.

We thank You for the gift of laughter and humor that is shared in this room. May good humor be a gift that sensitizes, conciliates, and brings dialogue into the flow of decision-making.

May the pressure points of differing priorities, the exposure to diverse opinions, and the time expectations of a hectic pace not take away the need and desire to be in good relationship. Good relationships benefit us all and promote caring leaders.

May dialogue, respect, humor, and good relationships between individuals, branches of government, and the people of our state be cultivated and celebrated through the dedicated efforts of all who are gathered in this room.

In Your Holy Name we pray. Amen.

The Pledge of Allegiance was led by Representative Rokeberg.

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

Representative Coghill moved and asked unanimous consent that the journal for the 93rd legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

#### **MESSAGES FROM THE GOVERNOR**

A letter dated April 13, 2004, from Laraine L. Derr, Director, Boards and Commissions, was received stating the Governor has requested the House rescind the confirmation process for the Board of Agriculture and Conservation stating that appointments to this board do not require legislative confirmation. The Speaker referred the appointments to the Resources Committee (page 3074).

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

A message dated April 13, 2004, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 338**

CS FOR SENATE BILL NO. 338(STA) by the Senate State Affairs Committee, entitled:

"An Act relating to actionable claims against state employees; and providing for an effective date."

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

**REPORTS OF STANDING COMMITTEES****HB 418**

The Finance Committee has considered:

HOUSE BILL NO. 418

"An Act extending the termination date of the Real Estate Commission; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 418(FIN)

"An Act extending the termination date of the Real Estate Commission; relating to real estate; relating to home inspectors; relating to real estate licensees; 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): Meyer, Hawker, Chenault, Fate, Foster, Harris, Williams

No recommendation (3): Stoltze, Joule, Croft

The following fiscal note(s) apply to CSHB 418(FIN):

2. Fiscal, Dept. of Community & Economic Development

HB 418 was referred to the Rules Committee for placement on the calendar.

**HB 484**

The Finance Committee has considered:

HOUSE BILL NO. 484

"An Act imposing a correctional facility surcharge on persons convicted of a crime under state law, and on persons whose probation is revoked; relating to fees and expenses for interstate transfer of probation or parole; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 484(JUD)  
(same title)

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

Do pass (4): Meyer, Hawker, Foster, Williams

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

The following fiscal note(s) apply to CSHB 484(JUD):

1. Fiscal, Dept. of Law
2. Zero, Alaska Court System
3. Fiscal, Dept. of Corrections

HB 484 was referred to the Rules Committee for placement on the calendar.

**HB 490**

The Judiciary Committee has considered:

HOUSE BILL NO. 490

"An Act relating to the release of employment security records, to the admissibility of determinations and decisions regarding

unemployment compensation benefits, and to contributions, interest, penalties, and payments under the Alaska Employment Security Act; providing that property under the Alaska Employment Security Act is not subject to the Uniform Unclaimed Property Act; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 490(JUD)

"An Act relating to the release of employment security records, to the binding effect of determinations and decisions regarding unemployment compensation benefits, and to contributions, interest, penalties, and payments under the Alaska Employment Security Act; providing that property under the Alaska Employment Security Act is not subject to the Uniform Unclaimed Property Act; and providing for an effective date."

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

No recommendation (5): Samuels, Holm, Gara, Gruenberg, McGuire

The following fiscal note(s) apply to CSHB 490(JUD):

1. Zero, Dept. of Labor & Workforce Development

HB 490 was referred to the Rules Committee for placement on the calendar.

**SB 301**

The Finance Committee has considered:

CS FOR SENATE BILL NO. 301(FIN)

"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 the eligibility of residents for the Alaska Pioneers' Home and the Alaska Veterans' Home for general relief assistance; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 301(FIN)  
(same title)

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

Do pass (8): Meyer, Stoltze, Joule, Croft, Foster, Fate, Harris, Williams

The Committee adopted the Senate letter of intent (Senate Journal page 2364).

The following fiscal note(s) apply to HCS CSSB 301(FIN):

1. Fiscal, Dept. of Health & Social Services

CSSB 301(FIN) is on today's calendar.

#### **REPORTS OF SPECIAL COMMITTEES**

##### **HB 84**

The House Special Committee on Education has considered:

HOUSE BILL NO. 84  
"An Act relating to a curriculum for Alaska history; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 84(EDU)  
(same title)

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

Do pass (2): Seaton, Wilson

No recommendation (2): Wolf, Gatto

Amend (2): Gara, Kapsner

The following fiscal note(s) apply to CSHB 84(EDU):

1. Zero, Dept. of Education & Early Development

HB 84 was referred to the Health, Education & Social Services Committee.

**SB 322**

The House Special Committee on Fisheries has considered:

SENATE BILL NO. 322

"An Act relating to the rate of the salmon enhancement tax."

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

Do pass (3): Ogg, Heinze, Seaton

No recommendation (1): Samuels

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Revenue

SB 322 was referred to the Finance Committee.

**INTRODUCTION OF CITATIONS**

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

Honoring - D. Scott Batchelder

By Representatives Stoltze, Masek, Dahlstrom; Senators Dyson, Ogan

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 188**

The following was read the second time:

HOUSE BILL NO. 188

"An Act relating to the authority of the Department of Natural Resources to issue citations for certain skiing violations; relating to establishing a bail schedule for certain skiing violations and to procedures for issuing a citation for a skiing violation."

| with the:            | Journal Page |
|----------------------|--------------|
| RES RPT 5DP 2NR 1AM  | 2737         |
| FN1: ZERO(CRT)       | 2737         |
| STA RPT 2DP 1DNP 4NR | 3043         |
| FN1: ZERO(CRT)       | 3044         |
| FN2: ZERO(DNR)       | 3044         |

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

Representative Coghill moved and asked unanimous consent that HB 188 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 188 was read the third time.

The question being: "Shall HB 188 pass the House?" The roll was taken with the following result:

HB 188  
Third Reading  
Final Passage

**YEAS: 31 NAYS: 6 EXCUSED: 1 ABSENT: 2**



Yeas: Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Weyhrauch, Williams

Nays: Berkowitz, Gatto, Holm, McGuire, Stepovich, Stoltze

Excused: Wilson

Absent: Moses, Wolf

And so, HB 188 passed the House and was referred to the Chief Clerk for engrossment.

**HB 273**

The following was read the second time:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 273

"An Act relating to the right of a parent to waive a child's claim of negligence against a provider of sports or recreational activities."

with the:

Journal Page

JUD RPT CS(JUD) NT 4DP 1NR

3103

FN1: ZERO(LAW)

3104

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 273(JUD)

"An Act relating to the right of a parent to waive an unemancipated child's claim of negligence against a provider of sports or recreational activities."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Berkowitz:

Page 2, line 24, following "participates":

Insert "to the extent the waiver is otherwise valid"

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

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

Amendment No. 2 was offered by Representative Berkowitz:

Page 3, lines 5 - 6:

Delete all material and insert:

"(D) a person who has a valid power of attorney concerning the child; or"

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 2 was adopted.

Representative Coghill moved and asked unanimous consent that CSSSHB 273(JUD) am be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSSSHB 273(JUD) am will advance to third reading on tomorrow's calendar.

## **SECOND READING OF SENATE BILLS**

### **SB 289**

The following was read the second time:

SENATE BILL NO. 289

"An Act extending the termination date of the special education service agency; and providing for an effective date."

HOUSE JOURNAL

April 14, 2004

3315

with the:

Journal Page

|                 |      |
|-----------------|------|
| EDU RPT 6DP     | 2937 |
| FN1: ZERO(EED)  | 2938 |
| FIN RPT 4DP 4NR | 3252 |
| FN2: (EED)      | 3253 |

Representative Coghill moved and asked unanimous consent that SB 289 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 289 was read the third time.

The question being: "Shall SB 289 pass the House?" The roll was taken with the following result:

SB 289  
Third Reading  
Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 1 ABSENT: 3**

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

Excused: Wilson

Absent: Harris, Kookesh, Moses

And so, SB 289 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.

SB 289 was signed by the Speaker and Chief Clerk and returned to the Senate.

**SB 301**

The following was read the second time:

CS FOR SENATE BILL NO. 301(FIN)

"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 the eligibility of residents for the Alaska Pioneers' Home and the Alaska Veterans' Home for general relief assistance; relating to state veterans' home facilities; making conforming amendments; and providing for an effective date."

| with the:                               | Journal Page |
|---|--------------|
| MLV REFERRAL WAIVED                     | 3266         |
| HES REFERRAL WAIVED                     | 3266         |
| FIN RPT HCS(FIN) 8DP                    | 3309         |
| SENATE LETTER OF INTENT WITH FIN REPORT | 3310         |
| FN1: (HSS)                              | 3310         |

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

HOUSE CS FOR CS FOR SENATE BILL NO. 301(FIN)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Gruenberg, Berkowitz, Weyhrauch, and Seaton:

Page 3, line 3, following "only":

Delete "by the voter's [VOTER] notifying"

Insert "if [BY] the voter notifies [NOTIFYING]"

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 Representative Berkowitz:

Page 8, line 24:

Delete "\$100"

Insert "\$250"

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

Representative Stepovich objected.

Amendment to Amendment No. 2 was offered by Representative Rokeberg:

Delete "\$250"

Insert "\$150"

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

Representatives Kerttula and Harris 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. 2 as amended be adopted?" The roll was taken with the following result:

HCS CSSB 301(FIN) am H

Second Reading

Amendment No. 2 as amended

**YEAS: 24 NAYS: 8 EXCUSED: 1 ABSENT: 7**

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Morgan, Rokeberg, Samuels, Stoltze, Williams, Wolf

Nays: Chenault, Coghill, Foster, Harris, Meyer, Seaton, Stepovich, Weyhrauch

Excused: Wilson

Absent: Anderson, Fate, Heinze, Holm, McGuire, Moses, Ogg

And so, Amendment No. 2 as amended was adopted.

Amendment No. 3 was offered by Representatives Lynn and Gara:

Page 8, following line 11:

Insert a new subsection to read:

"(f) The department shall conduct, at least annually, an unannounced inspection of each site of the Alaska Pioneers' Home and the Alaska Veterans' Home to determine compliance of the facilities with all applicable laws and regulations."

Representative Lynn moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Stepovich objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

HCS CSSB 301(FIN) am H

Second Reading

Amendment No. 3

**YEAS: 35 NAYS: 3 EXCUSED: 1 ABSENT: 1**

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

Nays: Foster, Kohring, Stepovich

Excused: Wilson

Absent: Anderson

And so, Amendment No. 3 was adopted.

April 14, 2004

3319

Amendment No. 4 was offered by Representatives Rokeberg and Gruenberg:

Page 10, line 5:

Delete "\$5,000"

Insert "up to \$10,000"

Representative Rokeberg moved and asked unanimous consent that Amendment No. 4 be adopted.

There being no objection, it was so ordered.

Amendment No. 5 was offered by Representative Gruenberg:

Page 9, line 14:

Delete "\$100"

Insert "\$150"

Representative Gruenberg moved and asked unanimous consent that Amendment No. 5 be adopted. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 301(FIN) am H be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 301(FIN) am H was read the third time.

The question being: "Shall HCS CSSB 301(FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 301(FIN) am H

Third Reading

Final Passage

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

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

Nays: Kohring

Excused: Wilson

And so, HCS CSSB 301(FIN) am H 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.

The following letter of intent for HCS CSSB 301(FIN) am H was offered by Representatives Gara, Crawford, Kerttula, Stoltze, and Guttenberg:

"It is the intent of the legislature that this bill shall not reduce the number of non-veteran Pioneers' Home residents living in the Pioneers' Homes statewide."

Representative Gara moved and asked unanimous consent that the House adopt the letter of intent. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that the House adopt the Senate letter of intent (Senate Journal page 2364). There being no objection, it was so ordered.

Representative Harris gave notice of reconsideration of the vote on HCS CSSB 301(FIN) am H.

### **UNFINISHED BUSINESS**

#### **HB 364**

The Speaker removed the Finance Committee referral for the following:



## SPONSOR SUBSTITUTE FOR 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 precluding the commissioner of natural resources from reissuing or otherwise extending leases within the moratorium area if the leases fail to produce gas in paying quantities within the terms of the lease or if there is a breach of a term or condition of the lease; and providing for an effective date."

SSHB 364 is in the Resources 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 Weyhrauch - from 10:00 a.m., April 15 to 7:00 a.m., plane time, April 16, 2004

Representative Croft - from 11:00 a.m., April 15 to 9:00 p.m., plane time, April 18, 2004

Representative Heinze - from 7:00 p.m., April 16 to 9:00 p.m., plane time, April 18, 2004

Representative Holm - from 7:00 p.m., April 16 to 10:00 a.m., plane time, April 19, 2004

Representative Williams - from 9:00 a.m., April 16 to 10:00 p.m., plane time, April 18, 2004

**HB 443**

The Speaker waived the Finance Committee referral for the following at the request of Representative Williams, Co-chair:

## HOUSE BILL NO. 443

"An Act relating to eligibility of nurses for the teachers' and nurses' housing loan program of the Alaska Housing Finance Corporation."

HB 443 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

**SB 289**

Representatives Lynn, Stoltze, and Gatto added their names as cross sponsors to:

SENATE BILL NO. 289

"An Act extending the termination date of the special education service agency; and providing for an effective date."

**ENGROSSMENT**

**HB 188**

HB 188 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**ENROLLMENT**

**HB 397**

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 9:50 a.m., April 14, 2004:

SENATE CS FOR CS FOR HOUSE BILL NO. 397(JUD)

"An Act relating to defense contacts with and recordings of statements of victims and witnesses of sexual offenses."

**ANNOUNCEMENTS**

House committee schedules are published daily under separate cover.

The following meetings today have been changed as indicated:

Judiciary Committee  
CHANGED TO:

1:30 p.m., 4/14

HOUSE JOURNAL

April 14, 2004

3323

Resources Committee

CHANGED TO:

1:30 p.m., 4/14

House Special Committee on Fisheries

CONTINUED:

5:00 p.m., 4/14

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 15, 2004. There being no objection, the House adjourned at 12:54 p.m., April 14, 2004.

Suzi Lowell  
Chief Clerk