

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

April 15, 2004

Ninety-fifth Day

Pursuant to adjournment the House was called to order by Speaker pro tempore Coghill at 10:13 a.m.

Roll call showed 33 members present. Representatives Kapsner, Kott, Weyhrauch, and Wilson had been previously excused from a call of the House today. Representatives Berkowitz, Croft, and Gara were absent and their presence was noted later.

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.

God of love, understanding, justice, and equality, we gather here today as people who share great responsibility for the well being of all people who call Alaska home. We live in, and love, a state of unequaled size and beauty. Help us, who live in this place of geographic, political, cultural, racial, and religious diversity, to embrace a vision for our state that respects and deals with these differences with insight, sensitivity, and respect.

In the midst of our visions, priorities, and purposes are the realities that do not always fit our visions. For all the many success stories are the often-untold stories of heartache and pain experienced by so many in our midst.

On the streets of our cities and towns are people of all ages on the margins of society who must not be forgotten. They too represent Alaska. In particular we remember those who live in homeless shelters and on the streets of our cities and communities. Homelessness related to all kinds of realities from mental illness, to Fetal Alcohol Syndrome, to alcoholism, to abuse, to loss of employment, affects a significant number of our people all over Alaska. Help us not to forget that such are the people You ask us to care for.

Be with all who are gathered here that they might struggle with issues in a way that reflects the importance of each and every person who calls Alaska home.

In Your holy name, Amen.

The Pledge of Allegiance was led by Representative Fate.

CERTIFICATION OF THE JOURNAL

Representative Foster, Acting Majority Leader, moved and asked unanimous consent that the journal for the 94th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HB 357

A message dated April 14, 2004, was read stating the Senate has passed CSHB 357(JUD) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 357(JUD)

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

CSHB 357(JUD) is under Unfinished Business.

**The presence of Representative Berkowitz was noted.

Representative Foster moved and asked unanimous consent that Representative Heinze be excused from a call of the House from noon today. There being no objection, it was so ordered.

REPORTS OF STANDING COMMITTEES

HJR 46

The Finance Committee has considered:

HOUSE JOINT RESOLUTION NO. 46

Proposing amendments to the Constitution of the State of Alaska relating to the principal of the Alaska permanent fund; limiting appropriations from the Alaska permanent fund to amounts equal to that part of the market value of the fund that exceeds the principal based on an averaged percent of the fund market value.

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

Do pass (1): Williams

Do not pass (2): Croft, Chenault

No recommendation (3): Hawker, Joule, Harris

Amend (3): Meyer, Stoltze, Fate

The following fiscal note(s) apply:

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

HJR 46 was referred to the Rules Committee for placement on the calendar.

HJR 47

The Finance Committee has considered:

HOUSE JOINT RESOLUTION NO. 47

Proposing amendments to the Constitution of the State of Alaska relating to the principal of the Alaska permanent fund; limiting appropriations from the Alaska permanent fund to amounts equal to that part of the market value of the fund that exceeds the principal based on an averaged percent of the fund market value; and permitting appropriations from the permanent fund only for costs of administering the fund, a program of dividend payments for state residents, and public education.

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

Do pass (1): Williams

Do not pass (3): Meyer, Croft, Chenault

No recommendation (4): Hawker, Joule, Fate, Harris

Amend (1): Stoltze

The following fiscal note(s) apply:

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

HJR 47 was referred to the Rules Committee for placement on the calendar.

HB 331

The State Affairs Committee has considered:

HOUSE BILL NO. 331

"An Act relating to federal requirements for governmental plan and other qualifications for the teachers' retirement system, the public employees' retirement system, and the judicial retirement system; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 331(STA)

"An Act relating to federal tax requirements for and other provisions of the teachers' retirement system, the public employees' retirement system, and the judicial retirement system; removing village public safety officers from the public employees' retirement system; eliminating the public employees' retirement system conditional duty to refund contributions under \$1,000 to inactive employees; limiting service credit for village public safety officer service in the public employees' retirement system to five years; and providing for an effective date."

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

Do pass (3): Holm, Lynn, Weyhrauch

No recommendation (1): Coghill

The following fiscal note(s) apply to CSHB 331(STA):

2. Zero, Dept. of Administration/Various Depts.

HB 331 was referred to the Labor & Commerce Committee.

HB 336

The Judiciary Committee has considered:

HOUSE BILL NO. 336

"An Act limiting recovery of civil damages by an uninsured driver; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 336(JUD)

"An Act relating to motor vehicle insurance; limiting recovery of civil damages by an uninsured driver; and providing for an effective date."

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

Do pass (1): Anderson

Do not pass (3): Holm, Gara, Ogg

No recommendation (2): Samuels, McGuire

The following fiscal note(s) apply to CSHB 336(JUD):

1. Zero, Alaska Court System
2. Zero, Dept. of Law

HB 336 was referred to the Rules Committee for placement on the calendar.

HB 452

The Finance Committee has considered:

HOUSE BILL NO. 452

"An Act relating to licensing and regulation of sport fishing services operators and fishing guides; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 452(FIN)

"An Act relating to licensing and regulation of sport fishing operators and sport fishing guides; authorizing the Department of Fish and Game and the Alaska Commercial Fisheries Entry Commission to release records and reports to the Department of Natural Resources and the Department of Public Safety; and providing for an effective date."

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

Do pass (4): Meyer, Moses, Harris, Williams

No recommendation (6): Hawker, Stoltze, Joule, Croft, Foster, Chenault

The following fiscal note(s) apply to CSHB 452(FIN):

2. Fiscal, Dept. of Fish & Game
3. Zero, Dept. of Public Safety

HB 452 was referred to the Rules Committee for placement on the calendar.

HB 553

The Finance Committee has considered:

HOUSE BILL NO. 553

"An Act relating to investments of the Alaska permanent fund and to the income of and appropriations from the Alaska permanent fund and making conforming amendments; relating to the determination of net income of the mental health trust fund; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 553(FIN)
(same title)

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

Do pass (1): Williams

Do not pass (2): Croft, Chenault

No recommendation (5): Meyer, Hawker, Stoltze, Joule, Harris

The following fiscal note(s) apply to CSHB 553(FIN):

1. Zero, Dept. of Revenue

HB 553 was referred to the Rules Committee for placement on the calendar.

SB 299

The Judiciary Committee has considered:

SENATE BILL NO. 299

"An Act relating to a charge for a bad check."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 299(JUD)

(same title)

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

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

Amend (2): Gara, McGuire

The following fiscal note(s) apply to HCS SB 299(JUD):

1. Zero, Dept. of Administration/Various Depts.

SB 299 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

In Memoriam - Leroy Blondin

By Representative Ogg; Senator Gary Stevens

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 423**

The following was read the second time:

HOUSE BILL NO. 423

"An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage; and providing for an effective date."

with the:	Journal Page
STA RPT CS(STA) NT 3DP 3NR 1AM	2933
FN1: ZERO(LAW)	2934
FN2: ZERO(DPS)	2934
JUD RPT CS(JUD) NT 6DP	3105
FN1: ZERO(LAW)	3105
FN2: ZERO(DPS)	3105

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

CS FOR HOUSE BILL NO. 423(JUD)

"An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage."

There being no objection, it was so ordered.

**The presence of Representative Gara was noted.

Representative Foster moved and asked unanimous consent that CSHB 423(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

**The presence of Representative Croft was noted.

Representative Foster moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gara:

Page 2, line 20, following "vehicle":

Insert "or other applicable"

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

Representative McGuire objected.

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

CSHB 423(JUD)

Second Reading

Amendment No. 1

YEAS: 15 NAYS: 20 EXCUSED: 4 ABSENT: 1

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Lynn, Masek, Moses, Seaton

Nays: Anderson, Chenault, Coghill, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kohring, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Stoltze, Williams, Wolf

Excused: Kapsner, Kott, Weyhrauch, Wilson

Absent: Stepovich

And so, Amendment No. 1 was not adopted.

Representative Foster moved and asked unanimous consent that CSHB 423(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 423(JUD) will advance to third reading on the April 19, 2004, calendar.

HB 430

The following was read the second time:

HOUSE BILL NO. 430

"An Act relating to employees under 21 years of age in the premises of hotels, restaurants, and eating places that are licensed to sell, serve, deliver, or dispense alcoholic beverages."

with the:	Journal Page
L&C RPT 5DP	2742
FN1: ZERO(LWF)	2742
FN2: ZERO(DPS)	2742
JUD RPT 3DP 1NR	3248, 3267
FN1: ZERO(LWF)	3248
FN2: ZERO(DPS)	3248

Representative Foster moved and asked unanimous consent that HB 430 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 430 was read the third time.

The question being: "Shall HB 430 pass the House?" The roll was taken with the following result:

HB 430

Third Reading

Final Passage

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

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

Excused: Kapsner, Kott, Weyhrauch, Wilson

Absent: Moses

And so, HB 430 passed the House and was referred to the Chief Clerk for engrossment.

HB 438

The following was read the second time:

HOUSE BILL NO. 438

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

with the:	Journal Page
TRA RPT 3DP 2NR	2743
FN1: ZERO(LAW)	2743
FN2: ZERO(DPS)	2743
STA RPT CS(STA) 1DP 2NR 3AM	2934
FN1: ZERO(LAW)	2934
FN2: ZERO(DPS)	2934
JUD RPT CS(JUD) 5DP	3248
FN1: ZERO(LAW)	3249
FN2: ZERO(DPS)	3249

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

CS FOR HOUSE BILL NO. 438(JUD)
(same title)

There being no objection, it was so ordered.

**Representative Croft, who had been previously excused (page 3321), left the Chamber.

Amendment No. 1 was offered by Representatives Holm, McGuire, and Stoltze:

Page 1, lines 8 and 10:

Delete "a law enforcement officer or fire fighter"

Insert "law enforcement or emergency personnel"

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

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

Representative Foster moved and asked unanimous consent that CSHB 438(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 438(JUD) am was read the third time.

The question being: "Shall CSHB 438(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 438(JUD) am

Third Reading

Final Passage

YEAS: 31 NAYS: 0 EXCUSED: 5 ABSENT: 4

Yeas: Berkowitz, Chenault, Cissna, Coghill, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kerttula, Kohring, Kookesh, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wolf

Excused: Croft, Kapsner, Kott, Weyhrauch, Wilson

Absent: Anderson, Crawford, Dahlstrom, Moses

And so, CSHB 438(JUD) am passed the House and was referred to the Chief Clerk for engrossment.

HB 549

The following was read the second time:

HOUSE BILL NO. 549

"An Act relating to unsolicited communications following an aircraft accident; and amending Rule 503, Alaska Rules of Evidence."

with the:	Journal Page
JUD RPT CS(JUD) NT 4DP 1NR 1AM	3252
FN1: ZERO(CRT)	3252
FN2: ZERO(LAW)	3252

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

CS FOR HOUSE BILL NO. 549(JUD)

"An Act relating to unsolicited communications following an aircraft accident."

There being no objection, it was so ordered.

Representative Foster moved and asked unanimous consent that CSHB 549(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 549(JUD) will advance to third reading on the April 19, 2004, calendar.

THIRD READING OF HOUSE BILLS

HB 273

The following, which was advanced to third reading from the April 14, 2004, calendar, (page 3314), was read the third time:

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

"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."

Representative McGuire moved and asked unanimous consent that CSSSHB 273(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 3. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representatives Croft and McGuire:

Page 3, lines 7 - 8:

Delete all material and insert:

"(E) for a child not living with the child's natural or adoptive parent, the child's grandparent, aunt, uncle, sister, or brother who have reached the age of majority and with whom the child lives;"

Representative McGuire moved and asked unanimous consent that Amendment No. 3 be adopted. There being no objection, it was so ordered.

The question being: "Shall CSSSHB 273(JUD) am pass the House?"
The roll was taken with the following result:

CSSSHB 273(JUD) am

Third Reading

Final Passage

YEAS: 33 NAYS: 1 EXCUSED: 5 ABSENT: 1

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

Nays: Lynn

Excused: Croft, Kapsner, Kott, Weyhrauch, Wilson

Absent: Moses

And so, CSSSHB 273(JUD) am passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

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

Honoring - D. Scott Batchelder

By Representatives Stoltze, Masek, Dahlstrom, Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Lynn, McGuire, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wolf; Senators Dyson, Ogan

CONCUR IN SENATE AMENDMENTS**HB 357**

Representative Foster moved and asked unanimous consent that the House consider the Senate message (page 3326) on the following at this time:

CS FOR HOUSE BILL NO. 357(JUD)

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

and

SENATE CS FOR CS FOR HOUSE BILL NO. 357(JUD)

(same title)

There being no objection, it was so ordered.

Representative Foster moved and asked unanimous consent to withdraw the previous motion.

Representative Samuels objected and withdrew the objection. There being no further objection, the previous motion was withdrawn.

CSHB 357(JUD) is under Unfinished Business.

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 Kapsner - from 7:00 a.m., April 15 to 5:00 p.m., plane time, April 19, 2004 (amended from page 3301)

Representative Heinze - from noon, April 15 to 9:00 p.m., plane time, April 18, 2004 (amended from page 3321)

Representative Stepovich - from 7:00 p.m., April 15 to 10:00 a.m., plane time, April 19, 2004

CONCUR IN SENATE AMENDMENTS**HB 357**

Representative Foster moved and asked unanimous consent that the House consider the Senate message (page 3326) on the following at this time:

CS FOR HOUSE BILL NO. 357(JUD)

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

and

SENATE CS FOR CS FOR HOUSE BILL NO. 357(JUD)
(same title)

There being no objection, it was so ordered.

Representative Foster moved that the House concur in the Senate amendment to CSHB 357(JUD), thus adopting SCS CSHB 357(JUD), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 357(JUD)?" The roll was taken with the following result:

SCS CSHB 357(JUD)

Concur

YEAS: 28 NAYS: 0 EXCUSED: 5 ABSENT: 7

Yeas: Berkowitz, Chenault, Coghill, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kerttula, Kohring, Kookesh, Lynn, McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Wolf

Excused: Croft, Kapsner, Kott, Weyhrauch, Wilson

Absent: Anderson, Cissna, Crawford, Masek, Moses, Ogg, Williams

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 357(JUD).

Representative Foster 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.

SCS CSHB 357(JUD) was referred to the Chief Clerk for enrollment.

UNFINISHED BUSINESS

HB 275

Representative Crawford was shown as first cosponsor to:

HOUSE BILL NO. 275

"An Act relating to veterinarians and animals."

The sponsors are Representatives Chenault, Crawford, Gruenberg, Heinze, Foster, Seaton, Masek, Kerttula, McGuire, Stoltze, Meyer, and Kott.

HB 333

Representative Fate added his name as cosponsor to:

HOUSE BILL NO. 333

"An Act relating to an endowment for public education; and providing for an effective date."

HB 334

Representatives Gruenberg and Wolf added their names as cosponsors to:

HOUSE BILL NO. 334

"An Act relating to unlawful exploitation of a minor."

HB 430

Representatives Lynn and Wolf added their names as cosponsors to:

HOUSE BILL NO. 430

"An Act relating to employees under 21 years of age in the premises of hotels, restaurants, and eating places that are licensed to sell, serve, deliver, or dispense alcoholic beverages."

HB 512

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 512

"An Act establishing the Hydrogen Energy Partnership in the Department of Community and Economic Development; requiring the commissioner of community and economic development to seek public and private funding for the partnership; providing for the contingent repeal of an effective date; and providing for an effective date."

SB 309

Representative Holm added his name as cross sponsor to:

CS FOR SENATE BILL NO. 309(JUD) am

"An Act relating to testing the blood of prisoners and those in custody for bloodborne pathogens."

ENGROSSMENT**HB 273**

CSSSHB 273(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 430

HB 430 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 438

CShB 438(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 301

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 with a Legislative letter of intent and a House letter of intent:

HOUSE CS FOR CS FOR SENATE BILL NO. 301(FIN) am H
"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."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meetings today have been changed as indicated:

House Special Committee on Education
CHANGED TO:

12:15 p.m., 4/15

House Special Committee on Oil & Gas
CANCELED:

3:15 p.m., 4/15

ADJOURNMENT

Representative Foster moved and asked unanimous consent that the House adjourn until 11:00 a.m., April 19, 2004. There being no objection, the House adjourned at 11:55 a.m.

Suzi Lowell
Chief Clerk