

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

May 5, 2004

#### One Hundred Fifteenth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 11:41 a.m.

Roll call showed 37 members present. Representative Kookesh had been previously excused from a call of the House today. Representatives Anderson and Ogg were absent and their presence was noted later.

The invocation was offered by the Chaplain, Alan Humphries of Soldotna Church of God. Representative Wolf moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Thank you for the privilege of praying for you today.

Heavenly Father I thank You for the opportunity of being born in this great land of America. I thank You for the blessing of living in this great state of Alaska for over 17 years. I pray that all of us as a nation and a state would never take this awesome privilege for granted. May we always be mindful of Your blessings on this nation and especially the state of Alaska.

I thank You for Your hand in the formation of our national and state governments. Your Word, the Holy Bible, has been our guide as a people since the beginning of this country. Let us always be grateful for Your guidance on us as a nation. We are the "United States of America, one nation under God."

We acknowledge You as our God. It is You that has made us and not we ourselves. You have been our provider in ages past and we look to You for provision in days to come. You have given us the rivers and oceans filled with more than enough for our families. You have given us the multitudes of animals from the hills and the tundra for our food. We are blessed with a bountiful harvest from the land and the sea. For that, O God, we are deeply grateful. May we always acknowledge You as our provider and our God.

Your provisions and blessings are as varied and unique as the people You placed here in this great land. May we, Your people, continue to grow in our understanding of each other as we strive to become "one people"; one people living together in this great land of Alaska. May we seek first to understand our brothers and sisters and then, perhaps, they will be willing to understand us. May we live together in peace and unity as we share all that You have given us. May we continue to grow into more responsible stewards of the great land.

Today, O Creator God, I ask Your special blessing and guidance upon these men and women gathered here. We as Alaskans have chosen them in good faith to represent us in the affairs of government here in Juneau. I pray they would continue to be men and women of integrity. I pray You would give them special wisdom beyond what we as humans are accustomed to and that they would be led by Your Spirit in conducting all the business of this great people; that You would lead them to find the solutions for the incredibly complex problems that face our state. I thank You for Your hand of guidance and for men and women who are willing and open to Your leadership. Your Word is truly a "light to our feet and a lamp for our path."

Heavenly Father, I ask these things in the name of Jesus Christ, Your son. Amen.

The Pledge of Allegiance was led by Representative Wilson.

**CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 114th 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 May 4, 2004, was read stating that, in accordance with AS 39.05.080, the Governor submits the following name for legislative confirmation of appointment to the board set out below.

The Speaker referred the following to the Resources Committee:

**Board of Game**

Mr. Ben Grussendorf - Sitka

Appointed: 1/31/2001      Reappointed: 5/4/2004

Term Expires: 3/1/2007

A resume for the appointment is on file in the Chief Clerk's office.

**HJR 30**

A message dated May 4, 2004, was read stating the Governor is transmitting the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE JOINT RESOLUTION NO. 30(STA) am  
Relating to supporting the repeal of the Government Pension  
Offset and the Windfall Elimination Provisions from the Social  
Security Act.

Legislative Resolve No. 42

**HB 344**

A message dated May 4, 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 CS FOR CS FOR HOUSE BILL NO. 344(RES)

"An Act relating to annual rental fees, statements of annual labor, and production royalty for mining claims; and providing a cure for abandonment."

Chapter No. 26, SLA 2004

Effective Date: August 2, 2004

**HB 356**

A message dated May 4, 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:

## HOUSE BILL NO. 356

"An Act relating to operation of alcoholic beverage delivery sites; and providing for an effective date."

Chapter No. 28, SLA 2004

Effective Date: June 30, 2004

**SB 289**

A message dated May 4, 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. 289

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

Chapter No. 27, SLA 2004

Effective Date: May 5, 2004

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

**MESSAGES FROM THE SENATE**

A message dated May 4, 2004, was read stating the Senate has accepted the invitation to meet in joint session in the House Chamber at 3:00 p.m., May 10 to consider confirmation of the Governor's appointments.

**HB 428**

A message dated May 4, 2004, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 428(JUD) am

"An Act relating to civil liability for acts related to obtaining alcohol for persons under 21 years of age or for persons under 21 years of age being on licensed premises."

CSHB 428(JUD) am was referred to the Chief Clerk for enrollment.

**HB 414**

A message dated May 4, 2004, was read stating the President has appointed the following members to a Conference Committee:

Senator Seekins, Chair  
Senator Wagoner  
Senator French

to meet with a like committee from the House to consider:

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.'"

and

SENATE CS FOR 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'; and providing for an effective date."

(technical title change)

The House members of the Conference Committee are Representatives McGuire (Chair), Anderson, and Crawford (page 3783).

A message dated May 4, 2004, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE RESOLUTIONS****SJR 33**

CS FOR SENATE JOINT RESOLUTION NO. 33(STA) by the Senate State Affairs Committee:

Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations.

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

**COMMUNICATIONS****HCR 21**

Pursuant to:

SENATE CS FOR CS FOR HOUSE CONCURRENT  
RESOLUTION NO. 21(FIN)  
Relating to establishing the Alaska Energy Policy Task Force.

Legislative Resolve No. 24

the following was filed:

Alaska Energy Policy Task Force  
Findings and Recommendations  
December 2003

**REPORTS OF STANDING COMMITTEES**

The Health, Education & Social Services Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Ms. Carol (Bunny) J. Schaeffer

as a member of the Board of Education and Early Development.

The report was signed by Representative Wilson, Chair; and Representatives Kapsner, Cissna, Wolf.

The Health, Education & Social Services Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Dr. Jeff Gonnason

as a member of the Board of Examiners in Optometry.

The report was signed by Representative Wilson, Chair; and Representative Wolf.

The Health, Education & Social Services Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Ms. Dana L. Brown  
Ms. Sharon K. Evans

as members of the Board of Certified Direct-Entry Midwives.

Mr. Larry E. Harper

as a member of the Board of Dispensing Opticians.

Ms. Sylvia J. Reynolds

as a member of the Board of Education and Early Development.

Dr. Jill Geering Matheson

as a member of the Board of Examiners in Optometry.

Dr. William H. Doolittle  
Mr. Tom J. Hawkins

as members of the Alaska Mental Health Trust Authority Board of Trustees.

Mr. James E. Jurrens

as a member of the Board of Nursing.

Ms. Kimberly (Kim) Jockusch  
Dr. Donna Peterson

as members of the Professional Teaching Practices Commission.

Mr. Darrell Allman  
Ms. Mildred D. (Tammy) Townsend

as members of the Board of Social Work Examiners.

The reports were signed by Representative Wilson, Chair; and Representatives Kapsner, Cissna, Wolf, Gatto.

**SB 31**

The Transportation Committee has considered:

CS FOR SENATE BILL NO. 31(RES) am  
"An Act relating to a transportation corridor for extension of the Alaska Railroad to Canada and to extension of the Alaska Railroad to connect with the North American railroad system."

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

Do pass (3): Stepovich, Kohring, Holm

No recommendation (4): Kapsner, Kookesh, Masek, Ogg

The following fiscal note(s) apply:

2. Zero, Dept. of Transportation & Public Facilities
3. Zero, Dept. of Community & Economic Development
4. Zero, Dept. of Natural Resources

CSSB 31(RES) am was referred to the Rules Committee for placement on the calendar.



**SB 136**

The Rules Committee has considered:

CS FOR SENATE BILL NO. 136(FIN) am

"An Act relating to a mandatory property tax exemption for certain private property interests on military bases or installations; relating to an optional exclusion or exemption from municipal taxation for residential property; relating to an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date."

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

Do pass (1): Coghill

No recommendation (5): McGuire, Berkowitz, Morgan, Kerttula, Rokeberg

The following fiscal note(s) apply:

3. Zero, Dept. of Community & Economic Development
4. Indeterminate, Dept. of Revenue

CSSB 136(FIN) am is on today's calendar.

**SB 219**

The Health, Education & Social Services Committee has considered:

CS FOR SENATE BILL NO. 219(JUD) am

"An Act relating to offenses against unborn children."

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

Do pass (3): Coghill, Gatto, Wilson

Do not pass (1): Cissna

Amend (2): Seaton, Wolf

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Indeterminate, Dept. of Administration
3. Zero, Alaska Court System

CSSB 219(JUD) am was referred to the Judiciary Committee.

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

**SB 231**

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 231(FIN)

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

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

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

The following fiscal note(s) apply:

2. Fiscal, Dept. of Revenue

CSSB 231(FIN) was referred to the Finance Committee.

**SB 239**

The Health, Education & Social Services Committee has considered:

CS FOR SENATE BILL NO. 239(HES) am

"An Act relating to the required number of days or hours in session in a school year; and providing for an effective date."

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

Do pass (1): Gatto

No recommendation (4): Seaton, Cissna, Wolf, Wilson

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

CSSB 239(HES) am was referred to the Rules Committee for placement on the calendar.

**SB 297**

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 297(RES)

"An Act relating to bear predation management and the donation and sale of bear hides and skulls."

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

No recommendation (3): Gruenberg, Holm, Lynn

Amend (2): Seaton, Weyhrauch

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game  
2. Zero, Dept. of Public Safety

CSSB 297(RES) was referred to the Resources Committee.

**SB 316**

The Transportation Committee has considered:

SENATE BILL NO. 316

"An Act relating to motor vehicle safety belt violations."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 316(TRA)  
(same title)

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

Do pass (2): Kapsner, Kookesh

Do not pass (4): Masek, Kohring, Stepovich, Holm

No recommendation (1): Ogg

The following fiscal note(s) apply to HCS SB 316(TRA):

3. Indeterminate, House Transportation Committee/Alaska Court System
4. Indeterminate, House Transportation Committee/Dept. of Public Safety

SB 316 was referred to the Judiciary Committee.

**SB 337**

The Finance Committee has considered:

CS FOR SENATE BILL NO. 337(L&C)

"An Act relating to the powers of the Alaska Energy Authority to make grants and loans, to enter into contracts, and to improve, equip, operate, and maintain bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities and equipment; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the Alaska Energy Authority's investment of the power development fund; repealing the electrical service extension fund; and providing for an effective date."

and recommends it be replaced with:

## HOUSE CS FOR CS FOR SENATE BILL NO. 337(FIN)

"An Act relating to the powers of the Alaska Energy Authority to make grants and loans, to enter into contracts, and to improve, equip, operate, and maintain bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities and equipment; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the continuation of the motor fuel tax rate for fuel produced from the processing of lignocellulose from wood or waste seafood; relating to the Alaska Energy Authority's investment of the power development fund; repealing the electrical service extension fund; and providing for an effective date."

(HCR 38 - title change resolution)

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

Do pass (2): Hawker, Williams

No recommendation (4): Meyer, Stoltze, Chenault, Harris

The following fiscal note(s) apply to HCS CSSB 337(FIN):

1. Zero, Dept. of Revenue
2. Zero, Dept. of Community & Economic Development

CSSB 337(L&C) was referred to the Rules Committee for placement on the calendar.

**SB 340**

The Rules Committee has considered:

## SENATE BILL NO. 340

"An Act relating to the detention of delinquent minors in correctional facilities; relating to emergency detention of minors for evaluation for involuntary admission for mental health

treatment; relating to detention of intoxicated minors and minors incapacitated by alcohol or drugs; and providing for an effective date."

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

Do pass (2): McGuire, Rokeberg

No recommendation (4): Berkowitz, Coghill, Morgan, Kerttula

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services
2. Zero, Dept. of Public Safety

SB 340 is on today's calendar.

**SB 358**

The Rules Committee has considered:

SENATE BILL NO. 358

"An Act relating to the performance of railroad track construction work for the Department of Transportation and Public Facilities by the Alaska Railroad Corporation."

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

Do pass (4): Coghill, McGuire, Kott, Rokeberg

No recommendation (3): Morgan, Kerttula, Berkowitz

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

SB 358 is on today's calendar.

**SB 385**

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 385(JUD) am

"An Act relating to homeland security, to civil defense, to emergencies and to disasters, including disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of disease; establishing the Alaska division of homeland security and emergency management in the Department of Military and Veterans' Affairs and relating to the functions of that division and that department; and providing for an effective date."

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

Do pass (3): Seaton, Holm, Weyhrauch,

No recommendation (2): Coghill, Berkowitz

Amend (2): Gruenberg, Lynn

The following fiscal note(s) apply:

1. Zero, Dept. of Military & Veterans' Affairs

CSSB 385(JUD) am was referred to the Rules Committee for placement on the calendar.

**REPORTS OF SPECIAL COMMITTEES****HB 414**

The Conference Committee considering:

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.'"

and

## SENATE CS FOR 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'; and providing for an effective date."

requests limited powers of free conference on the following specific point(s):

Reinclusion of the Legislative Intent language originally inserted in CSHB 414(STA) (23-LS1514\S; Sec. 1, page 1, lines 6-8); and

Provisions governing the selection and appointment of temporary appointees to the office of United States Senator following the vacancy of the office and prior to a special election originally included in CSHB 414(JUD) (23-LS1514\U; sec. 3, page 2, lines 4-10).

The request was signed by Representatives McGuire (Chair), Anderson, Crawford; and Senators Seekins (Chair), Wagoner, French.

CSHB 414(JUD) is under Unfinished Business.

**INTRODUCTION OF CITATIONS**

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

Honoring - June Liebing  
By Representative Gatto

Honoring - Sondra Markwardt  
By Representative Gatto

Honoring - Charles H. Benson, Jr. and Celeste Haimbach Benson  
By Representative Gara; Senator Ellis

Honoring - Joan Hamilton  
By Representative Kapsner



Honoring - 25th Anniversary, Snowshoe Elementary School  
By Representative Stoltze; Senator Ogan

Honoring - Peter Bullock  
By Senator Davis

Honoring - Cecilia Kunz  
By Senator Elton; Representatives Weyhrauch, Kerttula

Honoring - Benjamin D. Coronell Upon His Retirement  
By Senator Elton; Representatives Weyhrauch, Kerttula

Honoring - Ninilchik Lady Wolverines, Girls Basketball Team - 2003-  
2004 District III Class ~ 2A State Champions  
By Senator Wagoner; Representative Chenault

In Memoriam - Charles Henry "Hank" Rosenthal  
By Representative Berkowitz

In Memoriam - Eva Renate Asbury  
By Representative Seaton; Senator Gary Stevens

In Memoriam - Peter Ivor Elvsaas, Sr.  
By Representative Seaton; Senator Gary Stevens

In Memoriam - Emil V. Nelson  
By Representative Seaton; Senator Gary Stevens

In Memoriam - Robert Lawrence Pelkey, Sr.  
By Representative Seaton

In Memoriam - Edward Edson Schofield  
By Representative Seaton

The following citations were introduced and taken up later as a Special  
Order of Business:

Honoring - Emergency Dispatchers Across Alaska  
By Representative Coghill

Honoring - Jo Ann Bantz  
By Senator Bunde

In Memoriam - Charles E. Crapuchettes  
By Senators Wagoner, Dyson; Representative Chenault

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

**HR 10**

HOUSE RESOLUTION NO. 10 by the House Health, Education and Social Services Committee:

Relating to the National Day of Prayer.

was read the first time and referred to the Rules Committee for placement on the calendar.

**HCR 38**

HOUSE CONCURRENT RESOLUTION NO. 38 by the House Finance Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 337, relating to the powers of the Alaska Energy Authority to make grants and loans, to enter into contracts, and to improve, equip, operate, and maintain bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities and equipment; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the Alaska Energy Authority's investment of the power development fund; and repealing the electrical service extension fund.

was read the first time and referred to the Rules Committee for placement on the calendar.

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 12:06 p.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 2:06 p.m.

The House advanced to:

#### **UNFINISHED BUSINESS**

##### **HB 414**

The Speaker granted limited powers of free conference as requested (page 3825), for the Conference Committee considering:

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.'"

and

SENATE CS FOR 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'; and providing for an effective date."

(technical title change)

The Chief Clerk notified the Senate.

#### **CONSIDERATION OF THE DAILY CALENDAR**

#### **SECOND READING OF SENATE BILLS**

##### **SB 136**

The following was read the second time:

CS FOR SENATE BILL NO. 136(FIN) am

"An Act relating to a mandatory property tax exemption for certain private property interests on military bases or installations;

relating to an optional exclusion or exemption from municipal taxation for residential property; relating to an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date."

| with the:               | Journal Page |
|-------------------------|--------------|
| HB 241 SIMILAR BILL     | 3784         |
| RLS RPT 1DP 5NR         | 3829         |
| FN3: ZERO(CED)          | 3829         |
| FN4: INDETERMINATE(REV) | 3829         |

Representative Coghill moved and asked unanimous consent that CSSB 136(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 136(FIN) am was read the third time.

The question being: "Shall CSSB 136(FIN) am pass the House?" The roll was taken with the following result:

CSSB 136(FIN) am  
Third Reading  
Final Passage

**YEAS: 32 NAYS: 0 EXCUSED: 1 ABSENT: 7**

Yeas: Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kerttula, Kohring, Kott, Lynn, Masek, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kookesh

Absent: Anderson, Berkowitz, Heinze, Kapsner, McGuire, Meyer, Stepovich

And so, CSSB 136(FIN) am 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.

CSSB 136(FIN) am was signed by the Speaker and Chief Clerk and returned to the Senate.

**SB 194**

The following was read the second time:

CS FOR SENATE BILL NO. 194(FIN)

"An Act authorizing delivery of up to two bottles of distilled spirits and 40 ounces of beer to a cruise ship passenger or hotel guest."

| with the:                   | Journal Page |
|-----------------------------|--------------|
| L&C RPT HCS(L&C) NT 2DP 5NR | 3618         |
| TITLE CHANGE: HCR 37        | 3618         |
| FN2: ZERO(DPS)              | 3619         |

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. 194(L&C)

"An Act authorizing delivery of up to two bottles of distilled spirits or 72 ounces of beer to a cruise ship passenger or hotel guest."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gatto:

Page 1, line 1, following "**Act**" (title amendment):

Insert "**relating to cruise ships and**"

Page 1, line 2, following "**guest**" (title amendment):

Insert "**; and providing for an effective date**"

Page 2, following line 8:

Insert new bill sections to read:

\*\* **Sec. 2.** AS 29.10.200 is amended by adding new paragraphs to read:

(64) AS 29.35.110(c) (use of borough revenue from commercial passenger vessel excise tax);

(65) AS 29.35.270 (use of city revenue from commercial passenger vessel excise tax).

\* **Sec. 3.** AS 29.35.110 is amended by adding a new subsection to read:

(c) Use of borough revenue from the tax levied under AS 43.52.100 - 43.52.199 and distributed under AS 43.52.130(b) is limited to meeting costs attributable to the commercial passenger vessel industry in the borough and is not subject to (a) of this section. This subsection applies to home rule and general law boroughs.

\* **Sec. 4.** AS 29.35 is amended by adding a new section to article 4 to read:

**Sec. 29.35.270. Use of city revenue derived from commercial passenger vessel excise tax.** Use of city revenue from the tax levied under AS 43.52.100 - 43.52.199 and distributed under AS 43.52.130(b) is limited to meeting costs attributable to the commercial passenger vessel industry in the city. This subsection applies to home rule and general law cities.

\* **Sec. 5.** AS 43.52 is amended by adding new sections to read:

**Article 2. Excise Tax on Commercial Passenger Vessels.**

**Sec. 43.52.100. Levy of excise tax on commercial passenger vessels.** There is imposed an excise tax on commercial passenger vessels providing overnight accommodations and traveling in the marine waters of the state.

**Sec. 43.52.110. Rate of tax.** The tax imposed by AS 43.52.100 - 43.52.199 is levied at a rate to be set by the commissioner based on costs to state and local government attributable to the commercial passenger vessel industry, not to exceed \$50 a passenger a voyage.

**Sec. 43.52.120. Liability for payment of tax.** The owner or operator of a commercial passenger vessel providing overnight accommodations and traveling in the marine waters of the state is liable for a proportionate share of costs attributable to the commercial passenger vessel industry listed in AS 43.50.130(c), not to exceed \$50 a passenger a voyage. The tax is due and

payable to the department in the manner and at the times required by the department by regulation.

**Sec. 43.52.130. Disposition of proceeds.** (a) The proceeds from the tax on commercial passenger vessels providing overnight accommodations and traveling in the marine waters of the state shall be deposited in a special commercial vessel passenger tax account in the general fund. The legislature may appropriate money from this account for the purposes described in (b) and (c) of this section.

(b) For each sailing of a commercial passenger vessel providing overnight accommodations, the commissioner shall identify the first five ports of call in the state and the number of passengers on board the vessel at each port of call. Subject to appropriation by the legislature, the commissioner shall distribute to each of the first five ports of call \$5 a passenger of the tax revenue collected from the tax levied under AS 43.52.100 - 43.52.199 for costs attributable to the commercial passenger vessel industry. If the port of call is a city located within a borough, the commissioner shall distribute \$2.50 a passenger to the city and \$2.50 to the borough. If a commercial passenger vessel stops at fewer than five ports of call, the commissioner shall distribute \$5 a passenger of the tax revenue to each port of call.

(c) The legislature may appropriate money from the commercial vessel passenger tax account in the general fund to the following for costs attributable to the commercial passenger vessel industry:

- (1) harbor project debt service;
- (2) international airport bond debt service;
- (3) the Department of Administration for risk management;
- (4) the Department of Community and Economic Development for motor vehicle licensing and the state match to the Alaska travel industry marine pilot licensing program;
- (5) the Alaska Railroad Corporation;
- (6) the Department of Environmental Conservation for food and safety sanitation, environmental compliance, and spill prevention and response;
- (7) the Department of Fish and Game for sport fisheries and wildlife conservation;

(8) the Department of Health and Social Services for epidemiology, the medical examiner, and public health laboratories;

(9) the Department of Labor and Workforce Development for the marine training program and wage and hour administration;

(10) the Department of Military and Veterans' Affairs for homeland security and emergency services local emergency planning committee;

(11) the Department of Natural Resources for state parks;

(12) the Department of Public Safety for fish and wildlife protection and search and rescue; and

(13) the Department of Transportation and Public Facilities for the Alaska marine highway system and international airports.

(d) Nothing in this section creates a dedicated fund.

Sec. 43.52.140. Administration. (a) The department shall

(1) administer AS 43.52.100 - 43.52.199; and

(2) collect, and supervise and enforce the collection of, taxes due under AS 43.52.100 - 43.52.199 and penalties as provided in AS 43.05.

(b) The department may adopt regulations to carry out the purposes of AS 43.52.100 - 43.52.199.

**Sec. 43.52.199. Definitions.** In AS 43.52.100 - 43.52.199, unless the context otherwise requires,

(1) "commercial passenger vessel" means a vessel that is used in the common carriage of passengers in commerce; "commercial passenger vessel" does not include a

(A) vessel with an overnight accommodation capacity for fewer than 12 passengers;

(B) noncommercial vessel or a vessel operated by the state, the United States, or a foreign government; or

(C) vessel licensed under AS 16.05.490 and used in charter service for the recreational taking of fish and shellfish;

(2) "marine waters of the state" means the marine bays, sounds, rivers, inlets, straits, passages, canals, Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean within the territorial limits of the state, and all other bodies of marine water that are wholly or partially within the state or are under the jurisdiction of the state;



(3) "passenger" means a person with whom a common carrier has contracted for carriage from one place to another.

\* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. Notwithstanding sec. 9 of this Act, the Department of Revenue may proceed to adopt regulations necessary to implement the provisions of secs. 2 - 5 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the provision being implemented.

\* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION: The revisor of statutes shall substitute "AS 43.52.010 - 43.52.099" for "this chapter" wherever "this chapter" occurs in AS 43.52.010 - 43.52.099.

\* **Sec. 8.** Sections 1 and 6 of this Act take effect immediately under AS 01.10.070(c).

\* **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect January 1, 2005."

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

Representative Rokeberg objected.

Representative Rokeberg rose to a point of order stating the amendment was out of order.

The Speaker ruled the amendment was germane, citing Mason's Manual Sec. 402.

Representative Gatto moved and asked unanimous consent to withdraw Amendment No. 1. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 194(L&C) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

HCS CSSB 194(L&C) will advance to third reading on tomorrow's calendar.

Representative Coghill moved and asked unanimous consent that Representative Morgan be excused from a call of the House today until 3:30 p.m. There being no objection, it was so ordered.

**SB 322**

The following was read the second time:

SENATE BILL NO. 322

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

| with the:               | Journal Page |
|-------------------------|--------------|
| FSH RPT 3DP 1NR         | 3311         |
| FN1: INDETERMINATE(REV) | 3311         |
| FIN RPT 5DP 4NR         | 3666         |
| FN2: ZERO(H.FIN/REV)    | 3666         |

Representative Coghill moved and asked unanimous consent that SB 322 be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

SB 322 will advance to third reading on tomorrow's calendar.

**SB 273**

The following was read the second time:

CS FOR SENATE BILL NO. 273(FIN)

"An Act amending the size, membership, and powers of the board of directors of the Alaska Seafood Marketing Institute and making a corresponding change in the quorum requirement; authorizing the establishment of the seafood marketing assessment at a rate of 0.5 percent or 0.6 percent of the value of seafood products

produced; providing for an election to retain, terminate, or increase the seafood marketing assessment; providing for the repeal of the salmon marketing tax and provisions related to the salmon marketing tax; and providing for an effective date."

| with the:                | Journal Page |
|--------------------------|--------------|
| FSH RPT HCS(FSH) 5DP     | 3226         |
| FN3: INDETERMINATE(REV)  | 3226         |
| FN4: ZERO(GOV)           | 3226         |
| FIN RPT HCS(FIN) 6DP 5NR | 3662         |
| FN3: INDETERMINATE(REV)  | 3662         |
| FN5: (GOV)               | 3662         |

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. 273(FIN)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Croft:

Page, 2, line 3:

Delete "seven"

Insert "nine"

Page 2, line 9:

Delete "nine"

Insert "11"

Page 2, line 14:

Delete "Five"

Insert "Six"

Page 2, line 16:

Delete "one"

Insert "two"

Page 2, line 17:

Delete "**Two**"  
Insert "**Three**"

Page 2, line 27:

Delete "Five"  
Insert "**Six** [FIVE]"

Page 2, line 27:

Delete "four "  
Insert "**five** [FOUR]"

Page 2, line 28:

Delete "one"  
Insert "**two** [ONE]"

Page 2, line 30:

Delete "**Four**"  
Insert "**Five**"

Page 3, line 2:

Delete "**Four**"  
Insert "**Five**"

Page 3, line 6:

Delete "**Five**"  
Insert "**Six**"

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

Representative Harris objected.

\*\*The presence of Representative Morgan, who had been previously excused (page 3846), was noted.

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

HCS CSSB 273(FIN)  
Second Reading  
Amendment No. 1

**YEAS: 9 NAYS: 25 EXCUSED: 1 ABSENT: 5**

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Joule, Kapsner, Kerttula

Nays: Chenault, Coghill, Dahlstrom, Fate, Foster, Harris, Hawker, Heinze, Holm, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kookesh

Absent: Anderson, Gatto, Guttenberg, Kohring, Moses

And so, Amendment No. 1 was not adopted.

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

Objection was heard.

HCS CSSB 273(FIN) will advance to third reading on tomorrow's calendar.

The Speaker stated that, without objection, the House would revert to:

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

A message dated May 5, 2004, was read stating the Senate has passed the following and it is transmitted for consideration:

#### **FIRST READING AND REFERENCE OF SENATE BILLS**

##### **SB 284**

CS FOR SENATE BILL NO. 284(FIN) am by the Senate Finance Committee, entitled:

"An Act making information on a permanent fund dividend application, other than the applicant's name, confidential, and relating to disclosure of that confidential information; and relating to confidential information in voter registration records."

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

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 4:03 p.m.

#### AFTER RECESS

The Speaker called the House back to order at 6:48 p.m.

### CONSIDERATION OF THE DAILY CALENDAR

#### SECOND READING OF SENATE BILLS

(continued)

#### SB 274

The following was read the second time:

##### SENATE BILL NO. 274

"An Act relating to the housing assistance loan fund in the Alaska Housing Finance Corporation; creating the housing assistance loan program; repealing loans for teacher housing and providing for loans for multi-family housing; making conforming amendments; and providing for an effective date."

with the:

Journal Page

|                 |      |
|-----------------|------|
| HES RPT 5DP     | 3580 |
| FN1: ZERO(REV)  | 3580 |
| FIN RPT 8DP 2NR | 3663 |
| FN1: ZERO(REV)  | 3663 |

Representative Coghill moved and asked unanimous consent that SB 274 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 274 was read the third time.

The question being: "Shall SB 274 pass the House?" The roll was taken with the following result:

SB 274  
Third Reading  
Final Passage

**YEAS: 32 NAYS: 0 EXCUSED: 1 ABSENT: 7**

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

Excused: Kookesh

Absent: Anderson, Crawford, Croft, Harris, Meyer, Moses, Wolf

And so, SB 274 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 274 was signed by the Speaker and Chief Clerk and returned to the Senate.

**SB 286**

The following was read the second time:

CS FOR SENATE BILL NO. 286(FIN)

"An Act relating to direct marketing fisheries businesses, to the fisheries business tax, and to liability for payment of taxes and assessments on the sale or transfer of fishery resources; and providing for an effective date."

| with the:       | Journal Page |
|-----------------|--------------|
| FIN RPT 5DP 4NR | 3663         |
| FN1: (REV)      | 3664         |
| FN2: ZERO(DFG)  | 3664         |

Representative Coghill moved and asked unanimous consent that CSSB 286(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 286(FIN) was read the third time.

The question being: "Shall CSSB 286(FIN) pass the House?" The roll was taken with the following result:

CSSB 286(FIN)  
Third Reading  
Final Passage

**YEAS: 32 NAYS: 1 EXCUSED: 1 ABSENT: 6**

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

Nays: Kohring

Excused: Kookesh

Absent: Anderson, Crawford, Harris, Masek, Meyer, Rokeberg

And so, CSSB 286(FIN) 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.

Representative Kohring gave notice of reconsideration of the vote on CSSB 286(FIN).

**SB 315**

The following was read the second time:

SENATE BILL NO. 315

"An Act relating to the administration of commercial fishing entry permit buy-back programs."



May 5, 2004

3853

| with the:       | Journal Page |
|-----------------|--------------|
| FSH RPT 4DP 1NR | 3136         |
| FN1: ZERO(DFG)  | 3137         |
| FIN RPT 5DP 4NR | 3665         |
| FN1: ZERO(DFG)  | 3665         |

Representative Coghill moved and asked unanimous consent that SB 315 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 315 was read the third time.

The question being: "Shall SB 315 pass the House?" The roll was taken with the following result:

SB 315  
Third Reading  
Final Passage

**YEAS: 30 NAYS: 1 EXCUSED: 1 ABSENT: 8**

Yeas: Berkowitz, Chenault, Coghill, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kott, Lynn, McGuire, Morgan, Moses, Ogg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Kohring

Excused: Kookesh

Absent: Anderson, Cissna, Crawford, Foster, Harris, Masek, Meyer, Rokeberg

And so, SB 315 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

**SB 340**

The following was read the second time:

## SENATE BILL NO. 340

"An Act relating to the detention of delinquent minors in correctional facilities; relating to emergency detention of minors for evaluation for involuntary admission for mental health treatment; relating to detention of intoxicated minors and minors incapacitated by alcohol or drugs; and providing for an effective date."

| with the:           | Journal Page |
|---------------------|--------------|
| HB 487 SIMILAR BILL | 3656         |
| RLS RPT 2DP 4NR     | 3833         |
| FN1: ZERO(HSS)      | 3834         |
| FN2: ZERO(DPS)      | 3834         |

Representative Coghill moved and asked unanimous consent that SB 340 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 340 was read the third time.

The question being: "Shall SB 340 pass the House?" The roll was taken with the following result:

SB 340  
Third Reading  
Final Passage

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

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

Excused: Kookesh

Absent: Anderson, Cissna, Harris, Rokeberg

And so, SB 340 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 340 was signed by the Speaker and Chief Clerk and returned to the Senate.

**SB 358**

The following was read the second time:

SENATE BILL NO. 358

"An Act relating to the performance of railroad track construction work for the Department of Transportation and Public Facilities by the Alaska Railroad Corporation."

| with the:           | Journal Page |
|---------------------|--------------|
| HB 529 SIMILAR BILL | 3390         |
| RLS RPT 4DP 3NR     | 3834         |
| FN1: ZERO(CED)      | 3834         |

Amendment No. 1 was offered by Representative Kohring:

Page 1, line 3, following "**Corporation**" (title amendment):

Insert "; **authorizing a long-term lease of certain Alaska Railroad Corporation land at Anchorage that is the subject of Alaska Railroad Contract No. 8371; and providing for an effective date**"

Page 1, following line 13:

Insert new bill sections to read:

"\* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPROVAL OF THE LEASE OF LAND AT ANCHORAGE.

(a) The Alaska Railroad Corporation is authorized to lease certain corporation land at Anchorage, Alaska, within Township 13 North, Range 3 West, Section 8, Seward Meridian, that is the subject of Alaska Railroad Contract No. 8371 for a period in excess of 55 years but not more than 75 years without reserving the right to terminate the lease.

(b) This section constitutes legislative approval under AS 42.40.285(4) for the Alaska Railroad Corporation to lease the land described in (a) of this section for a period in excess of 55 years but not more than 75 years without reserving the right to terminate the lease if the land is needed for railroad purposes.

\* **Sec. 3.** Section 2 of this Act takes effect immediately under AS 01.10.070(c)."

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

Representative Dahlstrom objected.

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

SB 358

Second Reading

Amendment No. 1

**YEAS: 6 NAYS: 32 EXCUSED: 1 ABSENT: 1**

Yeas: Berkowitz, Chenault, Crawford, Croft, Kohring, Meyer

Nays: Anderson, Cissna, Coghill, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kott, Lynn, Masek, McGuire, Morgan, Moses, Ogg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kookesh

Absent: Rokeberg

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that SB 358 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 358 was read the third time.

The question being: "Shall SB 358 pass the House?" The roll was taken with the following result:

SB 358  
Third Reading  
Final Passage

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

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

Nays: Dahlstrom

Excused: Kookesh

Absent: Rokeberg

And so, SB 358 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

### **THIRD READING OF SENATE BILLS**

#### **SB 203**

The following, which was advanced to third reading from the May 4, 2004, calendar (page 3794), was read the third time:

HOUSE CS FOR CS FOR SENATE BILL NO. 203(FIN)

"An Act relating to administrative hearings, to hearing officers, and to administrative law judges; establishing the office of administrative hearings and relating to that office; and providing for an effective date."

The question being: "Shall HCS CSSB 203(FIN) pass the House?"  
The roll was taken with the following result:

HCS CSSB 203(FIN)  
Third Reading  
Final Passage

**YEAS: 37 NAYS: 0 EXCUSED: 1 ABSENT: 2**

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

Excused: Kookesh

Absent: Rokeberg, Williams

And so, HCS CSSB 203(FIN) 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.

HCS CSSB 203(FIN) was referred to the Chief Clerk for engrossment.

### **SB 285**

The following, which was advanced to third reading from the May 4, 2004, calendar (page 3795), was read the third time:

#### SENATE BILL NO. 285

"An Act relating to medical assistance coverage for targeted case management services and for rehabilitative services furnished or paid for by a school district on behalf of certain children; and providing for an effective date."

The question being: "Shall SB 285 pass the House?" The roll was taken with the following result:

SB 285

Third Reading

Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 1 ABSENT: 5**

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

Excused: Kookesh

Absent: Gatto, McGuire, Moses, Ogg, Rokeberg

And so, SB 285 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 285 was signed by the Speaker and Chief Clerk.

**SB 305**

The following, which was advanced to third reading from the May 4, 2004, calendar (page 3795), was read the third time:

HOUSE CS FOR SENATE BILL NO. 305(FIN)

"An Act relating to state ownership of submerged land underlying water that was navigable at the time Alaska achieved statehood."

Representatives Williams, Joule, Kapsner, Masek, and Morgan 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 HCS SB 305(FIN) pass the House?" The roll was taken with the following result:

HCS SB 305(FIN)

Third Reading

Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 1 ABSENT: 5**

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

Excused: Kookesh

Absent: Anderson, McGuire, Moses, Ogg, Rokeberg

And so, HCS SB 305(FIN) passed the House and was referred to the Chief Clerk for engrossment.

**SB 295**

The following, which was advanced to third reading from the May 4, 2004, calendar (page 3796), was read the third time:

SENATE BILL NO. 295

"An Act extending the termination date of the Navigable Waters Commission for Alaska; and providing for an effective date."

The question being: "Shall SB 295 pass the House?" The roll was taken with the following result:

SB 295

Third Reading

Final Passage

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

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

Excused: Kookesh

Absent: McGuire, Moses, Ogg, Rokeberg

And so, SB 295 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 295 was signed by the Speaker and Chief Clerk and returned to the Senate.



**SB 327**

The following, which was advanced to third reading from the May 4, 2004, calendar (page 3797), was read the third time:

CS FOR SENATE BILL NO. 327(STA)

"An Act relating to pedestrians using rollerblades, roller skates, and rollerskis."

The question being: "Shall CSSB 327(STA) pass the House?" The roll was taken with the following result:

CSSB 327(STA)

Third Reading

Final Passage

**YEAS: 17 NAYS: 12 EXCUSED: 1 ABSENT: 10**

Yeas: Chenault, Dahlstrom, Fate, Foster, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Lynn, Masek, Morgan, Moses, Rokeberg, Stepovich, Weyhrauch

Nays: Coghill, Croft, Gatto, Harris, Kerttula, Kohring, Kott, McGuire, Stoltze, Williams, Wilson, Wolf

Excused: Kookesh

Absent: Anderson, Berkowitz, Cissna, Crawford, Gara, Kapsner, Meyer, Ogg, Samuels, Seaton

And so, CSSB 327(STA) failed to pass the House.

Representative Stoltze gave notice of reconsideration of the vote on CSSB 327(STA)(fld H).

**SECOND READING OF HOUSE RESOLUTIONS****HCR 37**

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 37

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 194, relating to delivery of distilled spirits and beer.

The question being: "Shall HCR 37 pass the House?" The roll was taken with the following result:

HCR 37  
Second Reading  
Final Passage

**YEAS: 34 NAYS: 1 EXCUSED: 1 ABSENT: 4**

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

Nays: Berkowitz

Excused: Kookesh

Absent: Anderson, Meyer, Ogg, Samuels

And so, HCR 37 passed the House and was referred to the Chief Clerk for engrossment.

#### **SECOND READING OF SENATE RESOLUTIONS**

##### **SJR 31**

The following was read the second time:

CS FOR SENATE JOINT RESOLUTION NO. 31(STA)  
Relating to urging the United States Congress to compensate the State of Alaska for the effect of federal land ownership on the state's ability to fund public education.

| with the:           | Journal Page |
|---------------------|--------------|
| STA RPT 5DP         | 3445         |
| FN1: ZERO(S.STA)    | 3445         |
| RES REFERRAL WAIVED | 3716         |

Representative Coghill moved and asked unanimous consent that CSSJR 31(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSJR 31(STA) was read the third time.

The question being: "Shall CSSJR 31(STA) pass the House?" The roll was taken with the following result:

CSSJR 31(STA)

Third 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, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kookesh

Absent: Ogg

And so, CSSJR 31(STA) passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

### RECONSIDERATION

#### SB 323

Representative Harris brought up reconsideration of the vote on CSSB 323(JUD) am(fld H) (page 3807).

The following was again before the House in third reading:

CS FOR SENATE BILL NO. 323(JUD) am

"An Act relating to a subcontractor's, contractor's, and project owner's liability for workers' compensation, to sole proprietors and partnerships without employees, and managers or managing members of limited liability companies, and to the exclusiveness of liability for workers' compensation."

Representative Harris moved and asked unanimous consent that CSSB 323(JUD) am be returned to second reading for the specific purpose of rescinding previous action in failing to adopt Amendment No. 2.

There being no objection, it was so ordered.

Representative Harris moved and asked unanimous consent that the House rescind previous action in failing to adopt Amendment No. 2 (page 3802). There being no objection, it was so ordered.

Amendment No. 2 was again before the House.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSSB 323(JUD) am--RECONSIDERATION

Second Reading

Amendment No. 2

**YEAS: 31 NAYS: 7 EXCUSED: 1 ABSENT: 1**

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

Nays: Coghill, Kohring, Kott, Masek, Rokeberg, Wilson, Wolf

Excused: Kookesh

Absent: Ogg

And so, Amendment No. 2 was adopted.

The question to be reconsidered: "Shall CSSB 323(JUD) am H pass the House?" The roll was taken with the following result:

CSSB 323(JUD) am H--RECONSIDERATION

Third Reading

Final Passage

**YEAS: 26 NAYS: 12 EXCUSED: 1 ABSENT: 1**

Yeas: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kohring, Kott, Masek, McGuire, Meyer, Morgan, Moses, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Lynn, Weyhrauch

Excused: Kookesh

Absent: Ogg

And so, CSSB 323(JUD) am H passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

**CONSIDERATION OF THE DAILY CALENDAR**  
(continued)

**THIRD READING OF SENATE RESOLUTIONS**

**SJR 27**

The following, which was advanced to third reading from the May 4, 2004, calendar (page 3805), was read the third time:

SENATE JOINT RESOLUTION NO. 27

Relating to the resolution of submerged land title disputes.

The question being: "Shall SJR 27 pass the House?" The roll was taken with the following result:

SJR 27

Third 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, Kapsner, Kerttula, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kookesh

Absent: Joule

And so, SJR 27 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 - Robert D. Storer

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

Honoring - Southeast Alaska Area Council, Boy Scouts of America

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

Honoring - Juneau-Douglas High School, National Ocean Sciences Bowl Participants

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

In Memoriam - Leona Gran

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

In Memoriam - Fred C. Morgan, Sr.

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

In Memoriam - Bob Ernisse

By Representatives Berkowitz, Kott, Anderson, 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, Stoltze, Weyhrauch, Williams, Wilson, Wolf

In Memoriam - Scott Cunningham

By Representatives Seaton, 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, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf; Senator Gary Stevens

In Memoriam - Phyllis Abbott

By Representatives Seaton, 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, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf; Senator Gary Stevens

#### UNFINISHED BUSINESS

##### **HB 468**

The Speaker stated that, without objection, reconsideration of the following, which had been held to today (page 3815), will be held to May 6, 2004:

CS FOR HOUSE BILL NO. 468(JUD)(ct rule fld)

"An Act relating to the amount of the bond required to stay execution of a judgment in civil litigation involving a signatory, a successor of a signatory, or an affiliate of a signatory to the tobacco product Master Settlement Agreement during an appeal; and providing for an effective date."

**SB 219**

The Speaker added a Finance Committee referral for the following:

CS FOR SENATE BILL NO. 219(JUD) am

"An Act relating to offenses against unborn children."

CSSB 219(FIN) am is in the Judiciary Committee.

**SJR 33**

The Speaker waived the State Affairs Committee referral for the following at the request of Representative Weyhrauch, Chair:

CS FOR SENATE JOINT RESOLUTION NO. 33(STA)

Urging our United States Senators to work to allow a timely vote on the floor on all judicial nominations.

CSSJR 33(STA) was removed from the State Affairs Committee and referred to the Judiciary Committee.

**SPECIAL ORDER OF BUSINESS**

Representative Coghill moved and asked unanimous consent that the notice and publication requirements be waived and the citations, Honoring - Jo Ann Bantz, Honoring - Emergency Dispatchers Across Alaska, and In Memoriam - Charles E. Crapuchettes, be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that the House approve the citations. There being no objection, the following citations were approved and sent to enrolling:



**Honoring - Jo Ann Bantz**

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

**Honoring - Emergency Dispatchers Across Alaska**

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

**In Memoriam - Charles E. Crapuchettes**

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

**UNFINISHED BUSINESS****HB 25**

Representative Wilson added her name as cosponsor to:

**SENATE CS FOR CS FOR HOUSE BILL NO. 25(JUD)**

"An Act relating to health care decisions, including do not resuscitate orders, anatomical gifts, and mental health treatment decisions, and to powers of attorney relating to health care, including anatomical gifts and mental health treatment decisions; and providing for an effective date."

**SJR 27**

Representative Dahlstrom added her name as cross sponsor to:

**SENATE JOINT RESOLUTION NO. 27**

Relating to the resolution of submerged land title disputes.

**SB 285**

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

SENATE BILL NO. 285

"An Act relating to medical assistance coverage for targeted case management services and for rehabilitative services furnished or paid for by a school district on behalf of certain children; and providing for an effective date."

**SB 286**

Representatives Williams and Lynn added their names as cross sponsors to:

CS FOR SENATE BILL NO. 286(FIN)

"An Act relating to direct marketing fisheries businesses, to the fisheries business tax, and to liability for payment of taxes and assessments on the sale or transfer of fishery resources; and providing for an effective date."

**SB 315**

Representative Lynn added his name as cross sponsor to:

SENATE BILL NO. 315

"An Act relating to the administration of commercial fishing entry permit buy-back programs."

**ENGROSSMENT**

**HCR 37**

HCR 37 was engrossed and signed by the Speaker and Chief Clerk.

**SB 203**

HCS CSSB 203(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**SB 305**

HCS SB 305(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**SB 323**

CSSB 323(JUD) am H was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**ENROLLMENT****HB 347**

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 8:46 a.m., May 5, 2004:

HOUSE BILL NO. 347

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

**ANNOUNCEMENTS**

House committee schedules are published daily under separate cover.

The following meeting today has been changed as indicated:

Judiciary Committee

CONTINUED TO:

upon adj., 5/5

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., May 6, 2004. There being no objection, the House adjourned at 8:33 p.m.

Suzi Lowell  
Chief Clerk