

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 15, 2003

Eighty-fifth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:44 a.m.

Roll call showed 35 members present. Representatives Kohring, Kookesh, and Wolf had been previously excused from a call of the House today. Representatives Harris and Williams were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Kerttula be excused from a call of the House from 11:00 a.m. to 2:00 p.m. today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Pastor Sam Dalin of River of Glory Church. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray. Proverbs says, "Honor the Lord with your possessions and with the first fruits of your increase, so your barns will be filled with plenty and your vats will overflow with new wine." Lord, we thank You that Alaska has been a land of plenty and as these men and women labor we are moving once again towards the land of plenty. Help them with the many decisions that are at hand this day, we pray, in the Name of God the Father, God the Son, and God the Holy Spirit. Amen.

The Pledge of Allegiance was led by Representative McGuire.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 84th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

**Representative Kerttula, who had been previously excused (page 981), left the Chamber.

MESSAGES FROM THE SENATE**HB 82**

A message dated April 14, 2003, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 82(L&C)

"An Act making certain activity related to commercial electronic mail unlawful and an unfair method of competition or an unfair or deceptive act or practice under the Act enumerating unfair trade practices and consumer protections."

CSHB 82(L&C) was referred to the Chief Clerk for enrollment.

HCR 2

A message dated April 14, 2003, was read stating the Senate has passed:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 2(MLV)
am

Relating to the extension of the Alaska Railroad to Fort Greely to serve the anti-ballistic missile launch facility.

with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE CONCURRENT
RESOLUTION NO. 2(CRA)

Relating to the extension of the Alaska Railroad to Delta Junction and Fort Greely to support expanding resource development, agricultural, and military activities.

CSHCR 2(MLV) am is under Unfinished Business.

A message dated April 14, 2003, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 139

SENATE BILL NO. 139 by Senator Dyson, entitled:

"An Act repealing the termination date of the Alaska salmon price report program; and providing for an effective date."

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

**The presence of Representative Harris was noted.

COMMUNICATIONS

The following was received:

Dept. of Public Safety
Office of the Commissioner
Application for the 2003 Edward Byrne
State and Local Law Enforcement Assistance
Drug Control and System Improvement
Formula Grant

REPORTS OF STANDING COMMITTEES

HB 192

The Resources Committee has considered:

HOUSE BILL NO. 192

"An Act designating the Department of Natural Resources as lead agency for resource development projects; making conforming amendments; and providing for an effective date."

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

Do pass (5): Guttenberg, Wolf, Heinze, Lynn, Fate

No recommendation (2): Kerttula, Morgan

The following fiscal note(s) apply:

1. Fiscal, Dept. of Natural Resources
2. Zero, Dept. of Environmental Conservation

HB 192 was referred to the Finance Committee.

HB 257

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 257

"An Act relating to the disclosure requirements for real estate licensees, to disciplinary action against real estate licensees, to private actions against real estate licensees, and to real estate licensee agency relationships, fiduciary duties, and other duties; and providing for an effective date."

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

Do pass (1): Rokeberg

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

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 257 was referred to the Judiciary Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Pfc. Jessica Lynch
By Senator Cowdery

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 267**

HOUSE BILL NO. 267 by Representative Kohring, entitled:

"An Act relating to the Alaska Railroad; authorizing the Alaska Railroad Corporation to provide financing for the acquisition, construction, improvement, maintenance, equipping, or operation of facilities for the transportation of natural gas resources within and outside the state by others; authorizing the Alaska Railroad Corporation to issue bonds to finance those facilities; and providing for an effective date."

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

HB 268

HOUSE BILL NO. 268 by Representative McGuire, entitled:

"An Act relating to an exemption for specialty contractors under the laws regulating architects, engineers, land surveyors, and landscape architects."

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

HB 269

HOUSE BILL NO. 269 by Representative Dahlstrom, entitled:

"An Act establishing the Safety Code Task Force; and providing for an effective date."

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

HB 270

HOUSE BILL NO. 270 by Representative Dahlstrom, entitled:

"An Act relating to the licensure of pharmacists; and providing for an effective date."

was read the first time and referred to the Health, Education & Social Services and Labor & Commerce Committees.

HB 271

HOUSE BILL NO. 271 by Representative Kott, entitled:

"An Act levying and providing for the collection and administration of an excise tax on passenger vehicle rentals; and providing for an effective date."

was read the first time and referred to the House Special Committee on Ways & Means and the Finance Committee.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 11**

The following was read the second time:

HOUSE BILL NO. 11

"An Act relating to deposits to the Alaska permanent fund from mineral lease rentals, royalties, royalty sale proceeds, net profit shares under AS 38.05.180(f) and (g), federal mineral revenue sharing payments received by the state from mineral leases, and bonuses received by the state from mineral leases, and limiting deposits from those sources to the 25 percent required under art. IX, sec. 15, Constitution of the State of Alaska; and providing for an effective date."

with the:	Journal Page
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RES RPT 1DNP 7NR	532
FN1: ZERO(REV)	533
FN2: (REV)	533
FN3: (REV)	533
FIN RPT 7DP 2DNP 1NR	664
FN1: ZERO(REV)	665
FN2: (REV)	665
FN3: (REV)	665

**The presence of Representative Williams was noted.

Amendment No. 1 was offered by Representative Croft:

Page 1, line 6, following "Alaska;" (title amendment):

Insert "authorizing an advisory vote relating to the Alaska permanent fund account; relating to certain procedures for the special election;"

Page 2, following line 19, insert new bill sections to read:

"The uncodified law of the State of Alaska is amended to read:

* **Sec. 3.** At a special statewide election to be set for November 1, 2003, the lieutenant governor shall place before the qualified voters of the state an advisory question of shall the State of Alaska limit deposits to the permanent fund to twenty-five percent of the amounts from the sources required in art. IX, sec. 15, Constitution of the State of Alaska. The question shall appear on the ballot in the following form:

QUESTION

Shall the State of Alaska limit deposits to the permanent fund to twenty-five percent of the amounts from the sources required in art. IX, sec. 15, Constitution of the State of Alaska?

Yes [] No []

* **Sec. 4.** The special election shall be conducted in accordance with procedures of general elections."

Renumber following bill section accordingly.

Page 2, line 20:

Delete "immediately"
Insert "February 15, 2004"

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

Representative Rokeberg objected.

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

HB 11
Second Reading
Amendment No. 1

YEAS: 12 NAYS: 24 EXCUSED: 4 ABSENT: 0

Yea: Berkowitz, Chenault, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kapsner, Masek, Moses

Nay: Anderson, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kott, Lynn, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson

Excused: Kerttula, Kohring, Kookesh, Wolf

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that HB 11 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 11 was read the third time.

The question being: "Shall HB 11 pass the House?" The roll was taken with the following result:

HB 11
Third Reading
Final Passage

YEAS: 24 NAYS: 12 EXCUSED: 4 ABSENT: 0

Yea: Anderson, Coghill, Dahlstrom, Fate, Foster, Harris, Hawker, Heinze, Holm, Joule, Kott, Lynn, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Weyhrauch, Whitaker, Williams, Wilson

Nay: Berkowitz, Chenault, Cissna, Crawford, Croft, Gara, Gatto, Gruenberg, Guttenberg, Kapsner, Masek, Stoltze

Excused: Kerttula, Kohring, Kookesh, Wolf

And so, HB 11 passed the House.

Representative Coghill moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

HB 11
Third Reading
Effective Date

YEAS: 26 NAYS: 10 EXCUSED: 4 ABSENT: 0

Yea: Anderson, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Joule, Kott, Lynn, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson

Nay: Berkowitz, Chenault, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Kapsner, Masek

Excused: Kerttula, Kohring, Kookesh, Wolf

And so, the effective date clause was not adopted and the new title follows:

HOUSE BILL NO. 11(efd fld)

"An Act relating to deposits to the Alaska permanent fund from mineral lease rentals, royalties, royalty sale proceeds, net profit shares under AS 38.05.180(f) and (g), federal mineral revenue sharing payments received by the state from mineral leases, and bonuses received by the state from mineral leases, and limiting deposits from those sources to the 25 percent required under art. IX, sec. 15, Constitution of the State of Alaska."

Representative Rokeberg later gave notice of reconsideration and it was taken up then.

HB 57

The following was read the second time:

HOUSE BILL NO. 57

"An Act amending the manner of determining the royalty received by the state on gas production as it relates to the manufacture of certain value-added products."

with the:

Journal Page

O&G RPT CS(O&G) 6DP	303
FN1: ZERO(DNR)	303
RES REFERRAL WAIVED	343
FIN RPT CS(FIN) 5DP 5NR	761
FN2: (DNR)	830

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

CS FOR HOUSE BILL NO. 57(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 57(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

CSHB 57(FIN) will advance to third reading on tomorrow's calendar.

RECONSIDERATION**HB 11**

Representative Rokeberg gave notice of reconsideration of the vote on HB 11(efd fld) (page 988).

Representative Rokeberg moved and asked unanimous consent that reconsideration of HB 11(efd fld) be taken up on the same day. There being no objection, it was so ordered.

The following was again before the House in third reading:

HOUSE BILL NO. 11

"An Act relating to deposits to the Alaska permanent fund from mineral lease rentals, royalties, royalty sale proceeds, net profit shares under AS 38.05.180(f) and (g), federal mineral revenue sharing payments received by the state from mineral leases, and bonuses received by the state from mineral leases, and limiting deposits from those sources to the 25 percent required under art. IX, sec. 15, Constitution of the State of Alaska; and providing for an effective date."

Representative Rokeberg placed a call of the House and lifted the call.

The question to be reconsidered: "Shall HB 11 pass the House?" The roll was taken with the following result:

HB 11--RECONSIDERATION

Third Reading

Final Passage

YEAS: 24 NAYS: 12 EXCUSED: 4 ABSENT: 0

Yea: Anderson, Coghill, Dahlstrom, Fate, Foster, Harris, Hawker, Heinze, Holm, Joule, Kott, Lynn, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Weyhrauch, Whitaker, Williams, Wilson

Nay: Berkowitz, Chenault, Cissna, Crawford, Croft, Gara, Gatto, Gruenberg, Guttenberg, Kapsner, Masek, Stoltze

Excused: Kerttula, Kohring, Kookesh, Wolf

And so, HB 11 passed the House on reconsideration.

Representative Coghill moved the effective date clause.

The question to be reconsidered: "Shall the effective date clause be adopted?" The roll was taken with the following result:

HB 11--RECONSIDERATION

Third Reading

Effective Date

YEAS: 28 NAYS: 8 EXCUSED: 4 ABSENT: 0

Yea: Anderson, Chenault, Coghill, Croft, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Joule, Kott, Lynn, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson

Nay: Berkowitz, Cissna, Crawford, Gara, Gruenberg, Guttenberg, Kapsner, Masek

Excused: Kerttula, Kohring, Kookesh, Wolf

And so, the effective date clause was adopted on reconsideration.

HB 11 was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE BILLS

(Continued)

HB 249

The following was read the second time:

HOUSE BILL NO. 249

"An Act relating to actions involving monopolies and restraint of trade; and providing for an effective date."

with the:

Journal Page

JUD RPT CS(JUD) NT 2DP 4NR 1AM	931
FN1: ZERO(CRT)	932

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

CS FOR HOUSE BILL NO. 249(JUD)

"An Act relating to the award of costs and attorney fees to defendants under court rule in civil actions brought under monopoly and restraint of trade statutes; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Moses:

Page 1, following line 13:

Insert a new bill section to read:

"* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act does not apply to a civil action pending in a trial or appellate court of this state on the effective date of this Act."

Renumber the following bill section accordingly.

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

Representative McGuire objected.

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

The Speaker stated that, without objection, CSHB 249(JUD) will be held in second reading to tomorrow's calendar.

THIRD READING OF HOUSE BILLS**HB 49**

The following, which was advanced to third reading from the April 14, 2003, calendar (page 970), was read the third time:

CS FOR HOUSE BILL NO. 49(JUD)

"An Act relating to the deoxyribonucleic acid (DNA) identification registration system and testing; and providing for an effective date."

The question being: "Shall CSHB 49(JUD) pass the House?" The roll was taken with the following result:

CSHB 49(JUD)

Third Reading

Final Passage

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

Yea: Anderson, Berkowitz, Chenault, Cissna, Crawford, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson

Nay: Coghill

Excused: Kerttula, Kohring, Kookesh, Wolf

Absent: Croft

And so, CSHB 49(JUD) 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.

CSHB 49(JUD) was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Coghill 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 - William J. Tobin

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

UNFINISHED BUSINESS

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

Representative Kott - from noon, April 17 to 10:00 a.m., April 22, 2003

Representative Ogg - from 2:00 p.m., April 17 to 2:00 p.m., April 21, 2003

Representative Fate - from 7:00 p.m., April 17 to 10:00 a.m., April 22, 2003

Representative Lynn - from 1:00 p.m., April 17 to 10:00 a.m., April 22, 2003

Representative Morgan - from evening plane time, April 15 to evening plane time, April 17, 2003

Representative Harris - from evening plane time, April 17 to 1:00 p.m., plane time, April 22, 2003

Representative Meyer - from 7:00 p.m., April 17 to 11:00 p.m., April 21, 2003

Representative Masek - from 6:00 p.m., April 17 to morning plane time, April 23, 2003

Representative Anderson - from 1:00 p.m., April 17 to 10:00 p.m., April 21, 2003

Representative Hawker - from 1:00 p.m., April 18 to 10:30 a.m., April 21, 2003

Representative Rokeberg - from noon, April 18 to morning plane time, April 22, 2003

HB 212

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

HOUSE BILL NO. 212

"An Act relating to trusts, including trust protectors, trustee advisors, transfers of property in trust, and transfers of trust interests, and to creditors' claims against property subject to a power of appointment."

HB 212 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

HB 57

Representative Crawford added his name as cosponsor to:

CS FOR HOUSE BILL NO. 57(FIN)

"An Act amending the manner of determining the royalty received by the state on gas production as it relates to the manufacture of certain value-added products."

HB 120

Representative Rokeberg added his name as cosponsor to:

HOUSE BILL NO. 120

"An Act excluding service contracts from regulation as insurance; and providing for an effective date."

HB 134

Representative Seaton added his name as cosponsor to:

HOUSE BILL NO. 134

"An Act authorizing the Department of Corrections to enter into agreements with municipalities for new or expanded public

correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, and the Municipality of Anchorage."

HB 177

Representative Seaton added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 177
"An Act relating to concealed handguns."

HB 194

Representatives Holm, Wolf, and Morgan added their names as cosponsors to:

HOUSE BILL NO. 194

"An Act creating a tax credit under the Alaska Net Income Tax Act for contributions to regional development organizations; and providing for an effective date."

HB 205

Representative Berkowitz added his name as cosponsor to:

HOUSE BILL NO. 205

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

ENGROSSMENT**HB 11**

HB 11 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 49

CSHB 49(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT**HB 12**

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 2:57 p.m., April 14, 2003:

CS FOR HOUSE BILL NO. 12(JUD) am

"An Act relating to the crime of harassment committed by use of electronic communication."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 16, 2003. There being no objection, the House adjourned at 12:20 p.m.

Suzi Lowell
Chief Clerk