

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Monday

May 5, 2003

One Hundred Fifth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 11:26 a.m.

Roll call showed 35 members present. Representatives Cissna and Kapsner had been previously excused from a call of the House today. Representatives Berkowitz, Chenault, and Rokeberg were absent and their presence was noted later.

The invocation was offered by the Chaplain, Pastor Mike Powers of Church of the Nazarene. Representative Gruenberg moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Lord God, we come to You today with grateful hearts because of this beautiful day You have given us to live. May all we do today reflect that gratitude and acknowledgement that You are the source of all that we have. Lord, we need You in all that we do, so I would ask today that You would give these our Representatives strength and wisdom to fulfill their duties. You say that if we ask, we will receive, so we trust that You will. Bless them, protect them, and give them Your righteousness that only comes through yielding to You and Your will. In this day, Lord, may Your will be done. Amen.

The Pledge of Allegiance was led by Representative Whitaker.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 102nd, 103rd, and 104th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR**HCR 2**

A message dated May 2, 2003, 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:

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.

Legislative Resolve No. 12

HJR 13

A message dated May 2, 2003, 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:

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO.
13(HES)

Urging adoption of the Alaska recommendations for implementing the No Child Left Behind Act of 2001.

Legislative Resolve No. 13

HB 12

A message dated May 1, 2003, 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:

CS FOR HOUSE BILL NO. 12(JUD) am

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

Chapter No. 13, SLA 2003

Effective Date: July 30, 2003

HB 82

A message dated May 1, 2003, 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:

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."

Chapter No. 14, SLA 2003

Effective Date: July 30, 2003

HB 140

A message dated May 2, 2003, 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 HOUSE BILL NO. 140(STA) am S(efd fld S)

"An Act relating to benefits for retired teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner."

Chapter No. 15, SLA 2003

Effective Date: See Chapter

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**The presence of Representatives Chenault and Rokeberg was noted.

MESSAGES FROM THE SENATE

HCR 7

A message dated May 4, 2003, was read stating the Senate has passed:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RLS)
Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to executive sessions of legislative bodies; and providing for an effective date for the amendment.

CSHCR 7(RLS) was referred to the Chief Clerk for enrollment.

HCR 20

A message dated May 3, 2003, was read stating the Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 20
Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 115, relating to correctional industries.

HCR 20 was referred to the Chief Clerk for enrollment.

HB 159

A message dated May 2, 2003, was read stating the Senate has passed:

HOUSE BILL NO. 159
"An Act relating to the frequency of examinations of certain persons licensed to engage in the business of making loans of money, credit, goods, or things in action; repealing the requirement for a state examination and evaluation of the Alaska Commercial Fishing and Agriculture Bank; and providing for an effective date."

HB 159 was referred to the Chief Clerk for enrollment.

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**The presence of Representative Berkowitz was noted.

HB 52

A message dated May 2, 2003, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 52(JUD)
"An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission

of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 52(STA)

"An Act relating to the crime of distribution of child pornography and to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

(SCR 9 - title change resolution)

CSHB 52(JUD) is under Unfinished Business.

HB 124

A message dated May 2, 2003, was read stating the Senate has failed to recede from its amendment to:

HOUSE BILL NO. 124

"An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date."

namely:

SENATE CS FOR HOUSE BILL NO. 124(TRA)

(same title)

The President appointed the following members to a Conference Committee to meet with the like committee from the House to consider the bills:

Senator Cowdery, Chair

Senator Ogan

Senator French

The House members of the Conference Committee are Representatives Holm (Chair), McGuire, and Gruenberg (page 1250).

SB 115

A message dated May 3, 2003, was read stating the Senate has concurred in the House amendment to:

SENATE BILL NO. 115(efd fld)

"An Act allowing expenses of the correctional industries program that may be financed from the correctional industries fund to include the salaries and benefits of state employees."

thus adopting:

HOUSE CS FOR SENATE BILL NO. 115(FIN)

"An Act relating to the correctional industries program; and providing for an effective date."

(HCR 20 - title change resolution)

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Messages dated May 2 and 4, 2003, were read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SCR 9**

SENATE CONCURRENT RESOLUTION NO. 9 by the Senate State Affairs Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 52, relating to the forfeiture of certain property used in certain crimes.

was read the first time and taken up later as a Special Order of Business.

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 89**

CS FOR SENATE BILL NO. 89(JUD) am by the Senate Judiciary Committee, entitled:

"An Act amending the Regulation of Lobbying Act and the definition of 'lobbyist' as it applies in the act setting standards of conduct for legislators and legislative employees; and amending the Regulation of Lobbying Act and the legislative standards of conduct to allow a lobbyist to give and a person covered by legislative standards of conduct to accept tickets to a charity event during a legislative session."

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

SB 98

CS FOR SENATE BILL NO. 98(TRA) by the Senate Transportation Committee, entitled:

"An Act relating to civil liability for boat owners and to civil liability for guest passengers on an aircraft or watercraft; and providing for an effective date."

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

SB 142

SENATE BILL NO. 142 by the Senate Rules Committee by request of the Governor, entitled:

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

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

SB 146

SENATE BILL NO. 146 by Senators Guess, Ellis, Wilken, Dyson, Gary Stevens, French, Lincoln, Wagoner, Seekins, Elton, Taylor, Cowdery, Olson, and Therriault, entitled:

"An Act relating to a commemorative veterans' license plate; and providing for an effective date."

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs and the State Affairs Committee.

SB 155

CS FOR SENATE BILL NO. 155(RES) by the Senate Resources Committee, entitled:

"An Act relating to predator control programs; and providing for an effective date."

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

SB 160

CS FOR SENATE BILL NO. 160(HES) by the Senate Health, Education & Social Services Committee, entitled:

"An Act relating to civil liability for use or attempted use of an automated external defibrillator; and providing for an effective date."

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

REPORTS OF STANDING COMMITTEES

The Labor & Commerce Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Dr. Kevin L. Gottlieb

as a member of the Board of Dental Examiners;

Rosalie A. Acoba
Catherine A. Giessel
Sally Harvey
James E. Jurrens
Cathleen Ringstad Winfree

as members of the Board of Nursing;

Michael Pauley

as a member of the Board of Pharmacy;

John Abshire
Richard Behrends
Andrew Piekarski
Marc Stemp

as members of the Alaska Workers' Compensation Board.

The reports were signed by Representative Anderson, Chair; and Representatives Lynn, Guttenberg, Dahlstrom, and Rokeberg.

HJR 4

The State Affairs Committee has considered:

HOUSE JOINT RESOLUTION NO. 4
Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 4(STA)
Proposing amendments to the Constitution of the State of Alaska relating to the duration of regular sessions of the legislature.

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

Do pass (4): Holm, Lynn, Dahlstrom, Weyhrauch

Do not pass (1): Berkowitz

No recommendation (2): Seaton, Gruenberg

The following fiscal note(s) apply to CSHJR 4(STA):

1. Fiscal, Legislative Agency
2. Fiscal, Office of the Governor

HJR 4 was referred to the Judiciary Committee.

HB 191

The Finance Committee has considered:

HOUSE BILL NO. 191

"An Act relating to the Alaska coastal management program and to policies and procedures for consistency reviews and the rendering of consistency determinations under that program; relating to the functions of coastal resource service areas; creating an Alaska Coastal Program Evaluation Council; eliminating the Alaska Coastal Policy Council; annulling certain regulations relating to the Alaska coastal management program; relating to actions based on private nuisance; relating to zoning within a third class borough covered by the Alaska coastal management program; and providing for effective dates."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 191(FIN)

"An Act relating to the Alaska coastal management program and to policies and procedures for consistency reviews and the rendering of consistency determinations under that program; eliminating the Alaska Coastal Policy Council; annulling certain regulations relating to the Alaska coastal management program; and providing for an effective date."

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

Do pass (3): Meyer, Whitaker, Foster

Do not pass (2): Joule, Croft

No recommendation (4): Hawker, Stoltze, Moses, Harris

The following fiscal note(s) apply to CSHB 191(FIN):

1. Zero, Dept. of Fish & Game
2. Zero, Dept. of Environmental Conservation
4. Zero, Dept. of Natural Resources

HB 191 was referred to the Rules Committee for placement on the calendar.

HB 209

The Rules Committee has considered:

HOUSE BILL NO. 209

"An Act relating to municipal property tax adjustments for property affected by a disaster."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 209(RLS)
(same title)

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

Do pass (5): Kerttula, Kott, Coghill, Morgan, Rokeberg

No recommendation (1): Berkowitz

The following fiscal note(s) apply to CSHB 209(RLS):

1. Zero, Dept. of Community & Economic Development

HB 209 was returned to the Rules Committee for placement on the calendar.

HB 234

The Rules Committee has considered:

HOUSE BILL NO. 234

"An Act relating to brewpubs, and continuing the existence of the Alcoholic Beverage Control Board; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 234(RLS)

"An Act relating to the Alcoholic Beverage Control Board; relating to the sale of beer manufactured at a brewpub; and providing for an effective date."

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

Do pass (1): Rokeberg

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

Amend (1): Berkowitz

The following fiscal note(s) apply to CSHB 234(RLS):

1. Zero, Dept. of Revenue
2. Indeterminate, Dept. of Public Safety

HB 234 was returned to the Rules Committee for placement on the calendar.

HB 252

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 252

"An Act relating to the terms of members of boards and commissions that regulate businesses and professions and to the duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 252(L&C)

"An Act relating to the terms and duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors."

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

Do pass (4): Lynn, Dahlstrom, Rokeberg, Anderson

The following fiscal note(s) apply to CSHB 252(L&C):

1. Zero, Dept. of Community & Economic Development

HB 252 was referred to the State Affairs Committee.

HB 257

The Judiciary 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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 257(JUD)

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

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

Do pass (2): Samuels, McGuire

No recommendation (2): Holm, Ogg

Amend (2): Gara, Gruenberg

The following fiscal note(s) apply to CSHB 257(JUD):

1. Zero, Dept. of Community & Economic Development

HB 257 was referred to the Rules Committee for placement on the calendar.

HB 280

The Finance Committee has considered:

HOUSE BILL NO. 280

"An Act relating to the regulation of commercial motor vehicles to avoid loss or withholding of federal highway money, and to out-of-service orders concerning commercial motor vehicles; amending Rule 43.1, Alaska Rules of Administration; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 280(FIN)

"An Act relating to the regulation of commercial motor vehicles to avoid loss or withholding of federal highway money, and to out-of-service orders concerning commercial motor vehicles; moving authority for commercial motor vehicle regulation from the Department of Public Safety to the Department of Transportation and Public Facilities; amending Rule 43.1, Alaska Rules of Administration; and providing for an effective date."

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

Do pass (7): Meyer, Hawker, Joule, Moses, Whitaker, Foster, Harris

No recommendation (2): Stoltze, Croft

The following fiscal note(s) apply to CSHB 280(FIN):

1. Zero, Dept. of Administration

HB 280 was referred to the Rules Committee for placement on the calendar.

SJR 8

The Judiciary Committee has considered:

SENATE JOINT RESOLUTION NO. 8
Relating to the division of the Ninth Circuit Court of Appeals.

and recommends it be replaced with:

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 8(JUD)
(same title)

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

Do pass (4): Samuels, Holm, Ogg, McGuire

Do not pass (1): Gruenberg

No recommendation (1): Gara

The following fiscal note(s) apply to HCS SJR 8(JUD):

1. Zero, Senate Judiciary Committee

SJR 8 was referred to the Rules Committee for placement on the calendar.

SB 25

The Rules Committee has considered:

CS FOR SENATE BILL NO. 25(FIN)

"An Act relating to the acquisition of teachers' housing by regional educational attendance areas and to teachers' housing loan programs in the Alaska Housing Finance Corporation; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 25(RLS)

"An Act relating to the acquisition of teachers' housing by regional educational attendance areas and to a teacher housing loan program and a teachers' and nurses' housing loan program in the Alaska Housing Finance Corporation; and providing for an effective date."

(HCR 17 - title change resolution)

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

Do pass (6): Kerttula, Kott, Coghill, Morgan, Berkowitz, Rokeberg

The following fiscal note(s) apply to HCS CSSB 25(RLS):

1. Zero, Dept. of Revenue

CSSB 25(FIN) was returned to the Rules Committee for placement on the calendar.

SB 49

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 49(STA)

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

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

Do pass (6): Samuels, Holm, Gara, Gruenberg, Ogg, McGuire

The following fiscal note(s) apply:

1. Zero, Senate State Affairs Committee

CSSB 49(STA) was referred to the Rules Committee for placement on the calendar.

SB 95

The Labor & Commerce Committee has considered:

SENATE BILL NO. 95

"An Act relating to strikes by employees of a municipal school district, a regional educational attendance area, or a state boarding school, and requiring notice of at least 72 hours of a strike by those employees."

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

Do pass (4): Lynn, Dahlstrom, Rokeberg, Anderson

No recommendation (1): Guttenberg

The following fiscal note(s) apply:

1. Zero, Dept. of Labor & Workforce Development

SB 95 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES

HB 136

The House Special Committee on Education has considered:

HOUSE BILL NO. 136

"An Act allowing persons to teach in the public schools for up to five months without a teaching certificate if the person has applied

for a certificate and the application has not been acted upon by the Department of Education and Early Development; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 136(EDU)
(same title)

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

Do pass (2): Seaton, Gatto

Do not pass (1): Wolf

No recommendation (3): Gara, Ogg, Kapsner

Amend (1): Wilson

The following fiscal note(s) apply to CSHB 136(EDU):

1. Zero, House Special Committee on Education/Dept. of Education & Early Development

HB 136 was referred to the Health, Education & Social Services Committee.

HB 277

The House Special Committee on Oil & Gas has considered:

HOUSE BILL NO. 277

"An Act relating to the powers of the Regulatory Commission of Alaska in regard to intrastate pipeline transportation services and pipeline facilities, to the rate of interest for funds to be paid by pipeline shippers or carriers at the end of a suspension of tariff filing, and to the prospective application of increased standards on regulated pipeline utilities; allowing the commission to accept rates set in conformity with a settlement agreement between the state and one or more pipeline carriers and to enforce the terms of

a settlement agreement in regard to intrastate rates; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 277(O&G)

"An Act relating to the powers of the Regulatory Commission of Alaska in regard to intrastate pipeline transportation services and pipeline facilities, to the rate of interest for funds to be paid by pipeline shippers or carriers at the end of a suspension of tariff filing, and to the application of orders affecting rates of regulated pipeline utilities."

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

Do pass (1): Kohring

No recommendation (6): Holm, Rokeberg, Fate, Kerttula, Crawford, McGuire

The following fiscal note(s) apply to CSHB 277(O&G):

Fiscal note(s) forthcoming.

HB 277 was referred to the Resources Committee.

INTRODUCTION OF CITATIONS

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

In Memoriam - Faye Connolly
By Senator French; Representative Berkowitz

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HCR 21**

HOUSE CONCURRENT RESOLUTION NO. 21 by Representative Harris:

Relating to establishing the Alaska Energy Policy Task Force.

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

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 297**

HOUSE BILL NO. 297 by Representative Stoltze, entitled:

"An Act relating to wildfires and other natural disasters."

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

HB 298

HOUSE BILL NO. 298 by the House Special Committee on Ways & Means, entitled:

"An Act relating to the distribution of appropriations from the Alaska permanent fund under art. IX, sec. 15(b), Constitution of the State of Alaska, and making conforming amendments; 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 242**

The following was read the second time:

HOUSE BILL NO. 242

"An Act relating to licensing of certified public accountants."

with the:	Journal Page
L&C RPT CS(L&C) NT 7DP	1153
FN1: ZERO(CED)	1153
FIN REFERRAL WAIVED	1257

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. 242(L&C)

"An Act relating to licensing of certified public accountants; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 242(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 242(L&C) was read the third time.

The question being: "Shall CSHB 242(L&C) pass the House?" The roll was taken with the following result:

#AKH00288 05-05-2003 12:10:58

CSHB 242(L&C)

Third Reading

Final Passage

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

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

Excused: Cissna, Kapsner

Absent: Croft
 #AKH00288 END
 And so, CSHB 242(L&C) 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 242(L&C) was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 105

The following was read the second time:

CS FOR SENATE BILL NO. 105(HES) am(efd fld)
 "An Act relating to eligibility requirements for medical assistance for certain children, pregnant women, and persons in a medical or intermediate care facility."

with the:	Journal Page
HES RPT HCS(HES) NT 1DP 1DNP 4NR	1066
TECHNICAL TITLE CHANGE	1066
FN2: (HSS)	1067
FIN RPT HCS(HES) NT 5DP 2DNP 1NR 2AM	1234
TECHNICAL TITLE CHANGE	1234
FN1: (HSS)	1235

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. 105(HES)
 "An Act relating to eligibility requirements for medical assistance for certain children, pregnant women, and persons in a medical or intermediate care facility; and providing for an effective date."

(technical title change)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Croft:

Page 1, lines 1 - 2 (title amendment):

Delete ", **pregnant women**,"

Page 4, line 27, through page 5, line 10:

Delete all material.

Page 5, lines 11 - 14:

Delete "household consists of nine persons or more [200 PERCENT OF THE FEDERAL POVERTY LINE AS DEFINED BY THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET AND REVISED UNDER 42 U.S.C. 9902(2)]"

Insert "200 percent of the federal poverty line as defined by the federal office of management and budget and revised under 42 U.S.C. 9902(2)"

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

Representative Hawker objected.

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

#AKH00289 05-05-2003 12:41:13

HCS CSSB 105(HES)

Second Reading

Amendment No. 1

YEAS: 16 NAYS: 22 EXCUSED: 2 ABSENT: 0

Yeas: Anderson, Berkowitz, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Kott, Lynn, Masek, Morgan, Moses, Weyhrauch

Nays: Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kohring, McGuire, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Whitaker, Williams, Wilson, Wolf

Excused: Cissna, Kapsner
#AKH00289 END

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Kerttula:

Page 4, line 27, following "**two persons**":

Delete "a:"

Insert "**or**"

Page 4, line 28, following "**alone**":

Delete "**is considered to be a household of two persons**"

Page 5, line 31, following "two persons":

Delete ";

Insert "or"

Page 6, line 1, following "alone":

Delete "is considered to be a household of two persons"

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

Representative Hawker objected.

The Speaker stated that, without objection, the House would recess until 5:00 p.m.; and so, the House recessed at 12:45 p.m.

AFTER RECESS

The Speaker called the House back to order at 5:27 p.m.

SECOND READING OF SENATE BILLS

(Continued)

SB 105

The following was before the House in second reading with Amendment No. 2 moved and pending:

HOUSE CS FOR CS FOR SENATE BILL NO. 105(HES)
"An Act relating to eligibility requirements for medical assistance for certain children, pregnant women, and persons in a medical or intermediate care facility; and providing for an effective date."

Representative Hawker withdrew the objection.

Representative Gatto objected.

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

#AKH00290 05-05-2003 17:32:06

HCS CSSB 105(HES)

Second Reading

Amendment No. 2

YEAS: 18 NAYS: 18 EXCUSED: 2 ABSENT: 2

Yeas: Berkowitz, Chenault, Crawford, Croft, Gara, Gruenberg, Guttenberg, Hawker, Joule, Kerttula, Kookesh, Kott, Masek, Moses, Ogg, Samuels, Williams, Wolf

Nays: Anderson, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Heinze, Holm, Kohring, Lynn, Meyer, Morgan, Rokeberg, Seaton, Stoltze, Whitaker, Wilson

Excused: Cissna, Kapsner

Absent: McGuire, Weyhrauch

#AKH00290 END

And so, Amendment No. 2 was not adopted.

**Representative Coghill moved and asked unanimous consent that Representative Kerttula be excused from a call of the House from 5:45 p.m. to 8:30 p.m., today. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 105(HES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 105(HES) was read the third time.

The question being: "Shall HCS CSSB 105(HES) pass the House?"

The roll was taken with the following result:

#AKH00291 05-05-2003 18:12:22

HCS CSSB 105(HES)

Third Reading

Final Passage

YEAS: 27 NAYS: 11 EXCUSED: 2 ABSENT: 0

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

Nays: Berkowitz, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Masek, Moses

Excused: Cissna, Kapsner

#AKH00291 END

And so, HCS CSSB 105(HES) 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 105(HES) was referred to the Chief Clerk for engrossment.

In the event the Senate fails to concur in the House amendment to CSSB 105(HES) am(efd fld), the Speaker appointed the following members to a Conference Committee to meet with a like Committee from the Senate to consider the bills:

Representative Wilson, Chair

Representative Coghill

Representative Cissna

#

**Representative Kerttula, who had been previously excused (page 1323), left the Chamber.

SB 139

The following was read the second time:

SENATE BILL NO. 139

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

with the:	Journal Page
FIN RPT 9DP 1NR	1270
FN2: (REV)	1271

Representative Coghill moved and asked unanimous consent that SB 139 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 139 was read the third time.

The question being: "Shall SB 139 pass the House?" The roll was taken with the following result:

#AKH00292 05-05-2003 18:16:02

SB 139

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Cissna, Kapsner, Kerttula

#AKH00292 END

And so, SB 139 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 139 was signed by the Speaker and Chief Clerk and returned to the Senate.

THIRD READING OF HOUSE BILLS**HB 229**

The following, which was advanced to third reading from the May 2, 2003, calendar (page 1277), was read the third time:

CS FOR HOUSE BILL NO. 229(FIN)

"An Act relating to special medical parole and to prisoners who are severely medically or cognitively disabled."

The question being: "Shall CSHB 229(FIN) pass the House?" The roll was taken with the following result:

#AKH00293 05-05-2003 18:19:07

CSHB 229(FIN)

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Cissna, Kapsner, Kerttula

#AKH00293 END

And so, CSHB 229(FIN) passed the House.

Representative Berkowitz gave notice of reconsideration of the vote on CSHB 229(FIN).

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:

In Memoriam - Mildred Kagoona Sage

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

UNFINISHED BUSINESS

HB 225

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 225

"An Act relating to certain civil actions brought by the attorney general under monopoly and restraint of trade statutes; relating to the award of damages in actions brought under those statutes; and providing for an effective date."

HB 225 was removed from the Rules Committee and referred to the Finance Committee.

SB 64

The Speaker waived the Labor & Commerce Committee referral for the following at the request of Representative Anderson, Chair:

CS FOR SENATE BILL NO. 64(JUD)

"An Act relating to a requirement that certain consumer reporting agencies provide individuals with certain information without charge."

CSSB 64(JUD) was removed from the Labor & Commerce Committee and referred to the Judiciary Committee.

#

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

Representative Anderson - from 8:30 a.m. until 11:00 a.m.,
May 6, 2003

Representative Crawford - from 10:00 a.m. to 11:00 a.m., May 6, 2003

Representative Gruenberg - from 1:45 p.m. to 2:30 p.m., May 6, 2003
(amended from page 1283)

CONCUR IN SENATE AMENDMENTS

HB 52

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 1302) on the following at this time:

CS FOR HOUSE BILL NO. 52(JUD)

"An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 52(STA)

"An Act relating to the crime of distribution of child pornography and to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense."

(SCR 9 - title change resolution)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSHB 52(JUD), thus adopting SCS CSHB 52(STA), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 52(JUD)?" The roll was taken with the following result:

#AKH00294 05-05-2003 18:41:25

SCS CSHB 52(STA)

Concur

YEAS: 35 NAYS: 2 EXCUSED: 3 ABSENT: 0

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

Nays: Berkowitz, Guttenberg

Excused: Cissna, Kapsner, Kerttula

#AKH00294 END

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 52(STA).

The Chief Clerk notified the Senate.

SCS CSHB 52(STA) was referred to the Chief Clerk for enrollment.

SPECIAL ORDER OF BUSINESS

SCR 9

Representative Coghill moved and asked unanimous consent that the following be taken up as a Special Order of Business at this time:

SENATE CONCURRENT RESOLUTION NO. 9

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 52, relating to the forfeiture of certain property used in certain crimes.

There being no objection, it was so ordered.

The question being: "Shall SCR 9 pass the House?" The roll was taken with the following result:

#AKH00295 05-05-2003 18:42:37

SCR 9

Special Order of Business

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Cissna, Kapsner, Kerttula

#AKH00295 END

And so, SCR 9 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

CONCUR IN SENATE AMENDMENTS

HB 69

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 1266) on the following at this time:

HOUSE BILL NO. 69

"An Act relating to regulation of shallow natural gas leasing and closely related energy projects; and providing for an effective date."

and

SENATE CS FOR HOUSE BILL NO. 69(RES)

(same title)

Representative Kohring moved that the House rescind its action in failing to concur in the Senate amendment (page 1252).

Representative Kohring placed a call of the House. The call was satisfied.

The question being: "Shall the House rescind its action in failing to concur in the Senate amendment to HB 69?" The roll was taken with the following result:

#AKH00296 05-05-2003 18:44:30

SCS HB 69(RES)

Rescind Previous Action/Fail to Concur

YEAS: 27 NAYS: 10 EXCUSED: 3 ABSENT: 0

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

Nays: Berkowitz, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kookesh, Ogg, Seaton

Excused: Cissna, Kapsner, Kerttula

#AKH00296 END

And so, the House rescinded its action.

Representative Coghill moved that the House concur in the Senate amendment to HB 69, thus adopting SCS HB 69(RES), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to HB 69?" The roll was taken with the following result:

#AKH00297 05-05-2003 18:50:36

SCS HB 69(RES)

Concur

YEAS: 26 NAYS: 11 EXCUSED: 3 ABSENT: 0

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

Nays: Berkowitz, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kookesh, Moses, Ogg, Seaton

Excused: Cissna, Kapsner, Kerttula

#AKH00297 END

And so, the House concurred in the Senate amendment, thus adopting SCS HB 69(RES).

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:

#AKH00298 05-05-2003 18:54:58

SCS HB 69(RES)

Concur

Effective Date

YEAS: 28 NAYS: 9 EXCUSED: 3 ABSENT: 0

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

Nays: Berkowitz, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kookesh, Moses

Excused: Cissna, Kapsner, Kerttula

#AKH00298 END

And so, the effective date clause was adopted.

The Chief Clerk notified the Senate.

SCS HB 69(RES) was referred to the Chief Clerk for enrollment.

UNFINISHED BUSINESS

HB 25

Representative Seaton added his name as cosponsor to:

HOUSE BILL NO. 25

"An Act relating to health care decisions, including do not resuscitate orders and the donation of body parts, and to powers of attorney relating to health care, including the donation of body parts; and providing for an effective date."

HB 242

Representative Lynn added his name as cosponsor to:

CS FOR HOUSE BILL NO. 242(L&C)

"An Act relating to licensing of certified public accountants; and providing for an effective date."

SJR 10

Representative Holm added his name as cross sponsor to:

SENATE JOINT RESOLUTION NO. 10

Relating to the Pledge of Allegiance.

SB 98

Representative McGuire added her name as cross sponsor to:

CS FOR SENATE BILL NO. 98(TRA)

"An Act relating to civil liability for boat owners and to civil liability for guest passengers on an aircraft or watercraft; and providing for an effective date."

SB 139

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

SENATE BILL NO. 139

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

SB 146

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

SENATE BILL NO. 146

"An Act relating to a commemorative veterans' license plate; and providing for an effective date."

EXECUTIVE ORDERS

EO 108

The House did not disapprove the following executive order within 60 days and it was transmitted to the Office of the Governor at 10:40 a.m., May 5, 2003:

EXECUTIVE ORDER NO. 108

Transferring functions as set out in the Order to the Department of Health and Social Services.

EO 109

The House did not disapprove the following executive order within 60 days and it was transmitted to the Office of the Governor at 10:40 a.m., May 5, 2003:

EXECUTIVE ORDER NO. 109

Transferring the Violent Crimes Compensation Board from the Department of Public Safety to the Department of Administration.

EO 110

The House did not disapprove the following executive order within 60 days and it was transmitted to the Office of the Governor at 10:40 a.m., May 5, 2003:

EXECUTIVE ORDER NO. 110

Transferring the Alcoholic Beverage Control Board and its functions from the Department of Revenue to the Department of Public Safety.

EO 111

The House did not disapprove the following executive order within 60 days and it was transmitted to the Office of the Governor at 10:40 a.m., May 5, 2003:

EXECUTIVE ORDER NO. 111

Transferring certain responsibilities and functions relating to advocacy on behalf of the public in matters that come before the Regulatory Commission of Alaska from that agency to the attorney general.

ENGROSSMENT**HB 242**

CSHB 242(L&C) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 105

HCS CSSB 105(HES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meetings today have been changed as indicated:

Resources Committee

CONTINUED TO: 7:15 p.m., 5/5

State Affairs Committee

CONTINUED TO: 7:45 p.m., 5/5

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., May 6, 2003. There being no objection, the House adjourned at 7:00 p.m.

Suzi Lowell
Chief Clerk