

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

February 19, 2004

#### Thirty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 11:00 a.m.

Roll call showed 38 members present. Representative Heinze was absent and her presence was noted later.

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

The invocation was offered by the Chaplain, Pastor Patrick Brayton of Valley Chapel. Representative Fate moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Heavenly Father,

I pray that You will spread Your protective hand over the people of Alaska, and that You will do it through these dedicated men and women whom You have placed in authority over us. May You grant them both the wisdom to know what should be done and the humility to do it in spite of any personal cost. May they work together with You as You lead them to answer the questions and solve the problems now before them. I pray that Your righteousness, justice, and truth will prevail in every decision made here and that Alaska will prosper under Your care through these who are entrusted with such great responsibility. Father, mere human beings cannot possess the wisdom and character needed for this task. For that reason, we look to You and ask for Your help and

blessing. Please guide these, our leaders, and may they themselves marvel at the supernatural grace You give to them for this work. In Jesus' name I pray. Amen.

The Pledge of Allegiance was led by Representative Cissna.

### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 38th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE SENATE**

#### **SB 56**

A message dated February 18, 2004, was read stating the Senate has concurred in the House amendment to CSSB 56(FIN), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 56(FIN)

"An Act relating to sport fishing license fees and anadromous king salmon tag fees for residents of Yukon, Canada; and providing for an effective date."

A message dated February 18, 2004, was read stating the Senate has passed the following and it is transmitted for consideration:

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

#### **SB 283**

CS FOR SENATE BILL NO. 283(FIN) by the Senate Finance Committee, entitled:

"An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund; making appropriations under

art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

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

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

### COMMUNICATIONS

Letters of notification dated February 17, 2004, were received from Loren Leman, Lieutenant Governor, stating he has certified the following petitions:

"An Act Prohibiting the Baiting or Intentional Feeding of Bears."

"An Act to Decriminalize and Regulate Hemp (Cannabis Including Marijuana)."

Ballot titles and propositions will be prepared in accordance with AS 15.45.180.

### REPORTS OF STANDING COMMITTEES

#### HB 337

The Finance Committee has considered:

HOUSE BILL NO. 337

"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, and to motor vehicle licenses and registrations."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 337(FIN)

"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, to motor vehicle licenses and registrations, and to state identification cards."

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

Do pass (9): Meyer, Hawker, Stoltze, Moses, Chenault, Fate, Foster, Harris, Williams

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

1. Zero, Dept. of Health & Social Services
2. Fiscal, Dept. of Administration

HB 337 was referred to the Rules Committee for placement on the calendar.

### **HB 409**

The Resources Committee has considered:

HOUSE BILL NO. 409

"An Act relating to the maximum length of salmon seine vessels; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 409(FSH)  
(same title)

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

Do pass (5): Stepovich, Heinze, Kerttula, Guttenberg, Masek

Do not pass (1): Wolf

No recommendation (2): Lynn, Gatto

The following fiscal note(s) apply to CSHB 409 (FSH):

1. Zero, Dept. of Fish & Game

HB 409 was referred to the Rules Committee for placement on the calendar.

### REPORTS OF SPECIAL COMMITTEES

#### HJR 31

The House Special Committee on Ways & Means has considered:

##### HOUSE JOINT RESOLUTION NO. 31

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund and to payments to certain state residents from the Alaska permanent fund; and providing for an effective date for the amendments.

and recommends it be replaced with:

##### CS FOR HOUSE JOINT RESOLUTION NO. 31(W&M)

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund and to payments to certain state residents from the fund; and providing for an effective date.

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

No recommendation (6): Weyhrauch, Samuels, Wilson, Ogg, Moses, Hawker

The following fiscal note(s) apply to CSHJR 31(W&M):

1. Zero, Dept. of Labor & Workforce Development
2. Fiscal, Office of the Governor
3. Fiscal, Dept. of Education & Early Development
4. Fiscal, Dept. of Revenue
5. Fiscal, Dept. of Revenue

HJR 31 was referred to the State Affairs Committee.

**INTRODUCTION OF CITATIONS**

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

Honoring - Sunshine Community Health Center  
By Senators Ogan, Green; Representatives Masek, Stoltze

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 364**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 364 by  
Representative Seaton, entitled:

"An Act establishing a moratorium on the issuance of state shallow natural gas leases in the vicinity of Kachemak Bay, and precluding the commissioner of natural resources from reissuing or otherwise extending leases within the moratorium area if the leases fail to produce gas in paying quantities within the terms of the lease or if there is a breach of a term or condition of the lease; and providing for an effective date."

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

**HB 516**

HOUSE BILL NO. 516 by the House Finance Committee, entitled:

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

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

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 285**

The following was read the second time:

HOUSE BILL NO. 285

"An Act adopting the Uniform Electronic Transactions Act; repealing certain statutes relating to electronic records and electronic signatures; amending Rule 402, Alaska Rules of Evidence; and providing for an effective date."

with the:	Journal Page
L&C RPT 2DP 4NR	1590
FN1: ZERO(GOV/ALL DEPTS)	1591
JUD RPT CS(JUD) 7DP	2374
FN2: ZERO(DNR)	2374

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. 285(JUD)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 285(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 285(JUD) was read the third time.

The question being: "Shall CSHB 285(JUD) pass the House?" The roll was taken with the following result:

CSHB 285(JUD)

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, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kohring

Absent: Moses

And so, CSHB 285(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 court rule change. There being no objection, it was so ordered.

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

**HB 356**

The following was read the second time:

HOUSE BILL NO. 356

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

with the:

Journal Page

L&C RPT 4DP

2565

FN1: ZERO(DPS)

2565



Representative Coghill moved and asked unanimous consent that HB 356 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 356 was read the third time.

The question being: "Shall HB 356 pass the House?" The roll was taken with the following result:

HB 356  
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, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kohring

Absent: Moses

And so, HB 356 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.

HB 356 was referred to the Chief Clerk for engrossment.

### **THIRD READING OF HOUSE BILLS**

#### **HB 340**

The following, which was advanced to third reading from the February 18, 2004, calendar (page 2649), was read the third time:

CS FOR HOUSE BILL NO. 340(JUD) am

"An Act relating to damages in an action for a defect in the design, construction, and remodeling of certain dwellings; and providing for an effective date."

The question being: "Shall CSHB 340(JUD) am pass the House?"

The roll was taken with the following result:

CSHB 340(JUD) am

Third Reading

Final Passage

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

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

Nays: Gara

Excused: Kohring

Absent: Moses

And so, CSHB 340(JUD) 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.

Representative Kerttula gave notice of reconsideration of the vote on CSHB 340(JUD) am.

### 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 - Rempel Family, 2003 Farm Family of the Year

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

In Memoriam - Mary Nicoli

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

In Memoriam - Peter Bryan McDowell

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

## UNFINISHED BUSINESS

### HB 404

The Speaker waived the House Special Committee on Education referral for the following at the request of Representative Gatto, Chair:

#### HOUSE BILL NO. 404

"An Act relating to the Alaska Commission on Postsecondary Education; relating to the Alaska Student Loan Corporation; relating to bonds of the corporation; relating to loan and grant programs of the commission; relating to an exemption from the State Procurement Code regarding certain contracts of the commission or corporation; making conforming changes; and providing for an effective date."

HB 404 was removed from the House Special Committee on Education and referred to the Health, Education & Social Services Committee.

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

Representative Williams - from 9:00 a.m., February 20 to 10:00 p.m., February 22, 2004

**HB 349**

The following forthcoming fiscal note to accompany the Judiciary Committee report (page 2641) was published:

2. Zero, Dept. of Administration

for the following:

CS FOR HOUSE BILL NO. 349(JUD)  
"An Act amending Rule 412, Alaska Rules of Evidence."

HB 349 is in the Rules Committee.

**HB 15**

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 15  
"An Act relating to establishing the Alaska No-Call List, a data base of residential telephone customers who do not wish to receive telephonic solicitations; providing that the data base be compiled at no cost to the customers; requiring paid telephonic sellers to purchase the data base; requiring telephonic sellers to identify themselves; requiring telephonic solicitors who are otherwise exempt from registration as telephonic solicitors to file with the Department of Law and purchase the data base; and providing for an effective date."

**HB 275**

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 275

"An Act relating to veterinarians and animals."

**HB 285**

Representatives Lynn and Dahlstrom added their names as cosponsors to:

CS FOR HOUSE BILL NO. 285(JUD)

"An Act adopting the Uniform Electronic Transactions Act; repealing certain statutes relating to electronic records and electronic signatures; amending Rule 402, Alaska Rules of Evidence; and providing for an effective date."

**HB 327**

Representative Ogg added his name as cosponsor to:

HOUSE BILL NO. 327

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities."

**HB 340**

Representative McGuire added her name as cosponsor to:

CS FOR HOUSE BILL NO. 340(JUD) am

"An Act relating to damages in an action for a defect in the design, construction, and remodeling of certain dwellings; and providing for an effective date."

**HB 356**

Representatives Dahlstrom and Lynn added their names as cosponsors to:

HOUSE BILL NO. 356

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

**HB 493**

Representatives McGuire and Kookesh added their names as cosponsors to:

HOUSE BILL NO. 493

"An Act relating to adoption and revision of a long-term fiscal plan for the State of Alaska."

**ENGROSSMENT**

**HB 282**

Reconsideration if the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

HOUSE BILL NO. 282

"An Act relating to contracts between the University of Alaska and its employees involving research or other development of intellectual property and to the authority of the president of the University of Alaska regarding employee contracts for development of intellectual property."

**HB 285**

CSHB 285(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 356**

HB 356 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 meeting today has been changed as indicated:

House Special Committee on Education  
CONTINUED TO:

upon adj., 2/19

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 23, 2004. There being no objection, the House adjourned at 12:03 p.m.

Suzi Lowell  
Chief Clerk