

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION

Juneau, Alaska

Thursday

May 12, 2005

Second Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:20 a.m.

Roll call showed 34 members present. Representatives Anderson, Croft, McGuire and Meyer were absent.

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

The invocation was offered by the Chaplain, Representative Coghill. Representative Kott moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray.

Father, when we bow before Your great presence it is always with gratitude for the pleasure of living - the pleasure of being a servant for the people that have sent us here. And, Father, it is tough on us because we would rather be somewhere else, and yet here we are called to these duties. And we ask that You would give us a grace not to wish a day away, but to take up the work of the day diligently, dutifully, and for the benefit of our constituents. We are grateful for the privilege of serving this state. We would ask for Your wisdom and guidance, please. In Jesus' name I pray, Amen.

The Pledge of Allegiance was led by Representative Rokeberg.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 120th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Stoltze introduced Caulin Shattuck, Guest Page, from Chugiak.

Representative Coghill moved and asked unanimous consent that Representative Stoltze be excused from a call of the House from 11:30 a.m., today to 10:00 a.m., plane time, May 13, 2005.

MESSAGES FROM THE SENATE

HB 130

A message dated May 11, 2005, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 130(FIN) am

"An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; and providing for an effective date."

namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 130(FIN)
(same title)

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

Senator Wagoner, Chair
Senator Wilken
Senator Ellis

The House members of the Conference Committee are Representatives Ramras (Chair), Weyhrauch, and Salmon (page 1964).

CSHB 130(FIN) am and SCS CSHB 130(FIN) are under consideration during the First Special Session (page 1962).

HB 26

A message dated May 9, 2005, was received stating the Senate has passed:

CS FOR HOUSE BILL NO. 26(FIN)

"An Act relating to short-term commercial fishing crewmember licenses; and providing for an effective date."

CSHB 26(FIN) was referred to the Chief Clerk for enrollment.

HB 54

A message dated May 9, 2005, was received stating the Senate has passed:

CS FOR HOUSE BILL NO. 54(FIN)

"An Act relating to bail review; relating to petitions for review by crime victims where the defendant has received a sentence below the sentencing range for the crime; relating to the qualifications of certain members of the Violent Crimes Compensation Board; relating to the introduction of the victim and the defendant or minor to the jury; amending Rule 27, Alaska Rules of Criminal Procedures, and Rule 21, Alaska Delinquency Rules; and providing for an effective date."

CSHB 54(FIN) was referred to the Chief Clerk for enrollment.

HB 169

A message dated May 9, 2005, was received stating the Senate has passed:

CS FOR HOUSE BILL NO. 169(FIN)

"An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate real estate broker license; and providing for an effective date."

CSHB 169(FIN) was referred to the Chief Clerk for enrollment.

HB 215

A message dated May 9, 2005, was received stating the Senate has passed:

CS FOR HOUSE BILL NO. 215(FIN)

"An Act relating to the investment responsibilities of the Alaska Permanent Fund Corporation; relating to regulations proposed and adopted by the Board of Trustees of the Alaska Permanent Fund Corporation and providing procedures for the adoption of regulations by the board; and providing for an effective date."

CSHB 215(FIN) was referred to the Chief Clerk for enrollment.

HB 293

A message dated May 9, 2005, was received stating the Senate has passed:

HOUSE BILL NO. 293

"An Act relating to a borough sales tax exemption for a source that is taxed by a city in that borough."

HB 293 was referred to the Chief Clerk for enrollment.

HCR 17

A message dated May 10, 2005, was received stating the Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 17

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 140, relating to computers and the Internet.

HCR 17 was referred to the Chief Clerk for enrollment.

HCR 21

A message dated May 10, 2005, was received stating the Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 21

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 125, relating to centralized licensing and regulation by the Department of Health and Social Services of certain facilities and programs.

HCR 21 was referred to the Chief Clerk for enrollment.

HB 120

A message dated May 10, 2005, was received stating the Senate has passed:

HOUSE BILL NO. 120

"An Act relating to safety devices and sharp instruments for the prevention of the spread of bloodborne pathogens in health care employees; and providing for an effective date."

HB 120 was referred to the Chief Clerk for enrollment.

HB 178

A message dated May 10, 2005, was received stating the Senate has passed:

CS FOR HOUSE BILL NO. 178(STA) am

"An Act relating to special motor vehicle registration plates; and providing for an effective date."

CSHB 178(STA) am was referred to the Chief Clerk for enrollment.

HB 187

A message dated May 10, 2005, was received stating the Senate has passed:

CS FOR HOUSE BILL NO. 187(FIN)(efd fld)

"An Act relating to money deposited into the Alaska permanent fund as a result of the settlement of State v. Amerada Hess; relating to the Alaska capital income fund and to deposits of income from State v. Amerada Hess settlement money into the Alaska capital income fund."

CSHB 187(FIN)(efd fld) was referred to the Chief Clerk for enrollment.

HB 197

A message dated May 10, 2005, was received stating the Senate has passed:

CS FOR HOUSE BILL NO. 197(RLS)

"An Act exempting certain natural gas exploration and production facilities from oil discharge prevention and contingency plans and proof of financial responsibility, and amending the powers and duties of the Alaska Oil and Gas Conservation Commission with respect to those plans; and providing for an effective date."

CSHB 197(RLS) was referred to the Chief Clerk for enrollment.

SCR 14

A message dated May 10, 2005, was received stating the Senate has concurred in the House amendment to SCR 14, thus adopting:

SENATE CONCURRENT RESOLUTION NO. 14 am H
Relating to the Advisory Commission on Local Government.

SB 101

A message dated May 10, 2005, was received stating the Senate has concurred in the House amendment to CSSB 101(JUD), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 101(JUD)

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

SB 102

A message dated May 10, 2005, was received stating the Senate has concurred in the House amendment to CSSB 102(FIN) am, thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 102(RES)

"An Act repealing the Alaska coastal management program; relating to an extension for review and approval of revisions to the Alaska coastal management program; relating to reviews and modifications by the Department of Natural Resources; relating to coastal resource district policies; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003; and providing for an effective date."

SB 110

A message dated May 10, 2005, was received stating the Senate has concurred in the House amendment to CSSB 110(FIN)(efd fld), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 110(FIN) am H

"An Act relating to regulation of the discharge of pollutants under the National Pollutant Discharge Elimination System."

SB 124

A message dated May 10, 2005, was received stating the Senate has concurred in the House amendment to CSSB 124(L&C), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 124(FIN) am H

"An Act relating to requirements to obtain and maintain a fisheries business license; relating to security required of fish processors and primary fish buyers; and providing for an effective date."

SB 139

A message dated May 10, 2005, was received stating the Senate has concurred in the House amendment to CSSB 139(L&C), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 139(FIN)

"An Act relating to termination and oversight of boards, commissions, and agency programs; extending the termination date of the Board of Marital and Family Therapy; and providing for an effective date."

SB 140

A message dated May 10, 2005, was received stating the Senate has concurred in the House amendment to:

CS FOR SENATE BILL NO. 140(JUD)

"An Act relating to spyware and unsolicited Internet advertising."

thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 140(RLS)

"An Act relating to computers, computer communications, and the Internet."

(HCR 17 - title change resolution)

SB 147

A message dated May 10, 2005, was received stating the Senate has concurred in the House amendment to CSSB 147(FIN), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 147(RLS)

"An Act providing for a sport fishing facility surcharge on sport fishing licenses; providing for the construction and renovation of state sport fishing facilities and for other projects beneficial to the sport fish resources of the state as a public enterprise; and authorizing the issuance of revenue bonds to finance those projects."

SB 154

A message dated May 10, 2005, was received stating the Senate has concurred in the House amendment to CSSB 154(JUD), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 154(JUD)

"An Act relating to the jurisdiction for proceedings relating to delinquent minors and to telephonic and televised participation in those proceedings; amending Rules 2, 3, 4, 8, 12, 13, 14, 15, 16, 21, 22, 23, 24.1, and 25, Alaska Delinquency Rules; and providing for an effective date."

HB 257

A message dated May 10, 2005, was received stating the President has requested the following be returned:

CS FOR HOUSE BILL NO. 257(JUD)

"An Act relating to and extending the pilot program for state procurement and electronic commerce tools; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 257(FIN)

(efd fld S)

"An Act relating to and extending the pilot program for state procurement and electronic commerce tools."

CSHB 257(JUD) and SCS CSHB 257(FIN)(efd fld S) were returned.

HB 53

A message dated May 11, 2005, was received stating the Senate has engrossed the following (page 1896):

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 53(FIN)

am S

"An Act relating to child-in-need-of-aid proceedings; amending the construction of statutes pertaining to children in need of aid; relating to guardianships; relating to the confidentiality of investigations, court hearings, court records, and public agency records and information in child-in-need-of-aid matters and

certain child protection matters, to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters, to proceedings regarding voluntary relinquishment and termination of a parent and child relationship, to eligibility for permanent fund dividends for certain children in the custody of the state, and to juvenile delinquency proceedings and placements; reestablishing and relating to a state citizens' review panel; amending the obligation of a public agency to disclose agency information pertaining to a child in need of aid; relating to disclosure of confidential or privileged information about children and families involved with children's services within the Department of Health and Social Services to officials for review or use in official capacities; relating to reports of harm and to adoptions and foster care; relating to consent for the medication of children in state custody; prescribing the rights of family members related to child-in-need-of-aid cases and establishing a familial priority for adoption; modifying adoption and placement procedures in certain child-in-need-of-aid cases; amending Rules 9 and 13, Alaska Adoption Rules, Rules 3, 17.2, 18, and 22, Alaska Child in Need of Aid Rules of Procedure, and Rules 14 and 15, Alaska Rules of Probate Procedure; relating to the admissibility into evidence of the prior recorded statement of a crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of Evidence; and providing for an effective date."

HB 98

A message dated May 11, 2005, was received stating the Senate has engrossed the following (page 1926):

SENATE CS FOR CS FOR HOUSE BILL NO. 98(FIN) am S
"An Act relating to the compensation of the governor, the lieutenant governor, and certain public officials, officers, and employees not covered by collective bargaining agreements; and providing for an effective date."

HB 161

A message dated May 11, 2005, was received stating the Senate has engrossed the following (page 1927):

SENATE CS FOR CS FOR HOUSE BILL NO. 161(FIN) am S

"An Act relating to reemployment of and benefits for or on behalf of retired teachers and public employees and to teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA 2001; providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for secs. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date."

SB 104

A message dated May 10, 2005, was received stating the President has appointed the following members to a Conference Committee:

Senator Seekins, Chair
Senator Therriault
Senator French

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

HOUSE CS FOR CS FOR SENATE BILL NO. 104(JUD)

"An Act relating to the crimes of unsworn falsification in the first degree involving an application for a permanent fund dividend and false information or report involving eligibility for a permanent fund dividend; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue; relating to service in the peace corps and as a member of the United States Olympic Team as allowable absences 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."

(HCR 15 - title change resolution)

and

CS FOR SENATE BILL NO. 104(JUD)

"An Act relating to the crimes of unsworn falsification in the first and second degrees and false information or report; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue; and providing for an effective date."

HCS CSSB 104(JUD) is under Unfinished Business.

The Speaker stated that, without objection, the House would recess to a call of the Chair; and so, the House recessed at 11:30 a.m.

AFTER RECESS

The Speaker called the House back to order at 6:07 p.m.

REPORTS OF SPECIAL COMMITTEES

HB 130

The Conference Committee considering:

CS FOR HOUSE BILL NO. 130(FIN) am

"An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 130(FIN)
(same title)

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

Page 5, line 31 - Page 6, line 11 (House version) and Page 5, line 31 - Page 6, lines 1 - 9 (Senate version): Section 3, subparagraph (n);

Page 7, lines 3 - 15 (Senate version): Section 3, subparagraph (q);

Page 7, lines 13 - 16 (House version): Section 4, subparagraph (c)(2)

The request was signed by Representatives Ramras (Chair), Weyhrauch, Salmon; and Senators Wilken, Ellis.

The Speaker granted the limited powers of free conference as requested.

The Chief Clerk notified the Senate.

CONSIDERATION OF THE DAILY CALENDAR

THIRD READING OF SENATE BILLS

SB 73

The following, which was advanced to third reading from the May 10, 2005, calendar (page 1909), was not taken up this legislative day and will be on tomorrow's calendar:

CS FOR SENATE BILL NO. 73(FIN) am

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

UNFINISHED BUSINESS

HB 147

The following was not returned to the Senate (page 1939):

CS FOR HOUSE BILL NO. 147(FIN) am

"An Act relating to notice of suspension or revocation of an insurer's certificate of authority and the effect of the suspension or revocation upon the authority of agents and managing general agents of the insurer; relating to certain deposits under AS 21; relating to the yielding of assets and securities held on deposit; relating to third-party administrators under AS 21; relating to insurance agents, managing general agents, reinsurance intermediary managers, and insurance producers; requiring the director of insurance to notify a licensee of a license renewal before the renewal date; defining the term 'appointment' as used in part of AS 21; relating to the eligibility to provide coverage by a nonadmitted insurer and alien insurer; relating to surplus lines insurance and brokers; relating to misrepresentations and false advertising concerning insurance; relating to health discount plans; providing for limitations on owner controlled and contractor controlled insurance programs and limiting the coverage of those programs; prohibiting excessive, inadequate, or unfairly discriminatory rate charges for health insurance; defining the term 'plan administrator' as used in part of AS 21; defining the term 'transact' as used in AS 21; authorizing the director of insurance to designate a person to receive annual reports from companies; reducing the period for filing a quarterly financial statement; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 147(FIN)
(same title)

The bills are noticed for consideration during the First Special Session (page 1962).

SCS CSHB 147(FIN) is under Unfinished Business.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., May 13, 2005. There being no objection, the House adjourned at 6:08 p.m.

Suzi Lowell
Chief Clerk