

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

Juneau, Alaska

Tuesday

May 17, 2005

Seventh Day

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

Roll call showed 32 members present. Representatives Chenault, Croft, Gruenberg, Meyer, Moses, Ramras, Rokeberg, and Weyhrauch were absent and their presence was noted later.

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

Dear Heavenly Father:

We just thank You for this body. We ask You to be with us as we go through our deliberations. Give us wisdom, knowledge, understanding, and discernment so that we will do what is best for this state. Guide and direct us all. Help keep our thoughts in ways that are good for our fellow man, and help us to have patience with each other. We just ask that You bless us all. In Jesus' name, Amen.

The Pledge of Allegiance was led by Representative Gatto.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 5th and 6th legislative days of the First Special Session

be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

The Speaker stated that, without objection, the House would recess to a call of the Chair; and so, the House recessed at 10:12 a.m.

AFTER RECESS

The Speaker called the House back to order at 6:31 p.m.

**The presence of Representatives Meyer, Ramras, Gruenberg, Weyhrauch, and Chenault was noted.

MESSAGES FROM THE SENATE

Messages dated May 17, 2005, were read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 46

2d CS FOR SENATE BILL NO. 46(2d FIN) am by the Senate Finance Committee, entitled:

"An Act making appropriations, including capital appropriations; 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.

SB 97

CS FOR SENATE BILL NO. 97(FIN) am by the Senate Finance Committee, entitled:

"An Act making supplemental, capital, and other appropriations, and reappropriations; amending appropriations; making appropriations to capitalize funds; making an appropriation 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.

SB 121

SENATE BILL NO. 121 by the Senate Rules Committee by request of the Governor, entitled:

"An Act establishing the State of Alaska Capital Corporation; authorizing the issuance of bonds by the State of Alaska Capital Corporation to finance capital improvements in the state; and providing for an effective date."

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

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

SB 122

SENATE BILL NO. 122 by the Senate Rules Committee by request of the Governor, entitled:

"An Act establishing the Alaska capital income account within the Alaska permanent fund; relating to deposits into the account; relating to certain transfers regarding the Amerada Hess settlement to offset the effects of inflation on the Alaska permanent fund; and providing for an effective date."

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

**The presence of Representative Moses was noted.

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 6:36 p.m.

AFTER RECESS

The Speaker called the House back to order at 7:12 p.m.

UNFINISHED BUSINESS**SB 130**

Representative Coghill moved and asked unanimous consent that the House consider the Conference Committee with limited powers of free conference report (page 1991) on the following, which is under Unfinished Business:

HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD) am H
"An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date."

and

CS FOR SENATE BILL NO. 130(FIN) am
"An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to

coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task Force on Workers' Compensation; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved that the House adopt the Conference Committee with limited powers of free conference report, thus adopting CCS SB 130.

Representative Kelly placed a call of the House.

The Speaker stated the call was satisfied.

The question being: "Shall the House adopt the Conference Committee with limited powers of free conference report?" The roll was taken with the following result:

CCS SB 130

Adopt

YEAS: 20 NAYS: 20 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Foster, Gatto, Harris, Hawker, Holm, Kelly, Kohring, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Kott, LeDoux, Lynn, McGuire, Salmon, Weyhrauch, Wilson

Salmon changed from "Yea" to "Nay".

Gatto changed from "Nay" to "Yea".

And so, the House failed to adopt the Conference Committee with limited powers of free conference report, thus failing to adopt:

CONFERENCE CS FOR SENATE BILL NO. 130

"An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date."

The Chief Clerk notified the Senate.

The Senate has adopted the Conference Committee with limited powers of free conference report (Senate journal page 1633).

SB 141

The following, which was forthcoming (page 2008), was received May 14, 2005:

FREE CONFERENCE CS FOR SENATE BILL NO. 141(Corrected)

"An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2006; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees'

Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that the House consider the Free Conference Committee report (page 2008) on the following, which is under Unfinished Business:

HOUSE CS FOR CS FOR SENATE BILL NO. 141(FIN) am H
"An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date."

and

CS FOR SENATE BILL NO. 141(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House adopt the Free Conference Committee report, thus adopting FCCS SB 141(Corrected).

The question being: "Shall the House adopt the Free Conference Committee report?" The roll was taken with the following result:

FCCS SB 141(Corrected)
Adopt

YEAS: 18 NAYS: 22 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Coghill, Foster, Holm, Kapsner, Kelly, Kohring, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Wilson

Nays: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Joule, Kerttula, Kott, LeDoux, Lynn, McGuire, Salmon, Weyhrauch

And so, the House failed to adopt the Free Conference Committee report, thus failing to adopt FCCS SB 141(Corrected).

The Chief Clerk notified the Senate.

The Senate has adopted the Free Conference Committee report (Senate Journal page 1653).

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., May 18, 2005. There being no objection, the House adjourned at 7:52 p.m.

Suzi Lowell
Chief Clerk