

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 22, 2003

Ninety-second Day

Pursuant to adjournment the House was called to order by Speaker Kott at 2:12 p.m.

Roll call showed 36 members present. Representative Masek had been previously excused from a call of the House today.

Representative Coghill moved and asked unanimous consent that Representatives Gruenberg, Harris, and Wilson 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 Greg Lindsay of Northern Light United Church. Representative Fate moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

In deepest respect for the spiritual life of each person present, let us pause for a moment of prayer and reflection. Let us pray.

O God, as we return to this place of service following a few days of rest, may we find the inner resources now to work hard, to listen respectfully, to respond compassionately, and to do the very best with the gifts You have given to each of us.

We ask You, O God, to help us understand and embrace the meaning of servanthood; to care for those who cannot care for themselves, to work for those who have no power or no voice, and to serve without regard for what's in it for us.

We pray for those among us who are struggling with all kinds of issues. We pray for those who are in harm's way. And we pray for peaceful solutions to very complex and difficult problems in our world.

Thank You, God, for the opportunity to serve. 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 87th, 88th, 89th, 90th, and 91st legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

SB 20

A message dated April 17, 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 SENATE BILL NO. 20(FIN)

"An Act relating to the Board of Marine Pilots and to marine pilotage; extending the termination date of the Board of Marine Pilots; and providing for an effective date."

Chapter No. 10, SLA 2003

Effective Date: April 18, 2003

SB 54

A message dated April 17, 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 BILL NO. 54

"An Act exempting flight crew members of certain air carriers from overtime pay requirements."

Chapter No. 11, SLA 2003
Effective Date: July 16, 2003

MESSAGES FROM THE SENATE

A message dated April 17, 2003, was read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 87

SENATE BILL NO. 87 by Senator Seekins, entitled:

"An Act relating to principal and income in the administration of trusts and decedents' estates and the mental health trust fund; adopting a version of the Uniform Principal and Income Act; and providing for an effective date."

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

SB 95

SENATE BILL NO. 95 by Senator Green, entitled:

"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."

was read the first time and referred to the House Special Committee on Education and the Labor & Commerce Committee.

SB 120

SENATE BILL NO. 120 by the Senate Rules Committee by request of the Governor, entitled:

"An Act relating to the state's sovereign immunity for certain actions regarding injury, illness, or death of state-employed seamen and to workers' compensation coverage for those seamen; and providing for an effective date."

was read the first time and referred to the Judiciary and Finance Committees.

COMMUNICATIONS

The following was received:

Dept. of Labor & Workforce Development
Alaska Workforce Investment Board
Training Program Performance 2001
April 16, 2003
(as required by AS 23.15.580)

REPORTS OF STANDING COMMITTEES

HB 134

The State Affairs Committee has considered:

HOUSE BILL NO. 134

"An Act authorizing the Department of Corrections to enter into agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, and the Municipality of Anchorage."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 134(STA)

"An Act authorizing the Department of Corrections to enter into lease-purchase agreements with municipalities for new or expanded public correctional facilities in the Fairbanks North Star Borough, the Matanuska-Susitna Borough, Bethel, the Municipality of Anchorage, and the City of Seward."

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

Do pass (1): Seaton

No recommendation (4): Holm, Lynn, Berkowitz, Weyhrauch

The following fiscal note(s) apply to CSHB 134(STA):

1. Fiscal, Dept. of Revenue

HB 134 was referred to the Finance Committee.

HB 248

The State Affairs Committee has considered:

HOUSE BILL NO. 248

"An Act relating to the annual salary of the chief procurement officer; and providing for an effective date."

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

Do pass (1): Seaton

No recommendation (3): Holm, Berkowitz, Weyhrauch

The following fiscal note(s) apply:

2. Zero, Dept. of Administration

HB 248 was referred to the Rules Committee for placement on the calendar.

HB 250

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 250

"An Act relating to protests of state contract awards, to claims on state contracts, to the arbitration of certain state construction contract claims, and to hearings and appeals under the State Procurement Code; making conforming amendments in the State Procurement Code; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 250(L&C)
(same title)

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

Do pass (6): Gatto, Crawford, Guttenberg, Dahlstrom, Rokeberg, Anderson

The following fiscal note(s) apply to CSHB 250(L&C):

1. Indeterminate, Dept. of Transportation & Public Facilities

HB 250 was referred to the State Affairs Committee.

SB 45

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 45(JUD)
"An Act relating to the Legislative Budget and Audit Committee."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 45(JUD)
(same title)

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

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

No recommendation (1): Gruenberg

Amend (1): Gara

The following fiscal note(s) apply to HCS CSSB 45(JUD):

1. Zero, Dept. of Administration
2. Zero, Dept. of Law

CSSB 45(JUD) was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

Honoring - Ryan Wetherell, Alaska 2003 National Geography Bee Winner

By Senator Elton; Representatives Kerttula, Weyhrauch

Honoring - Ninilchik Wolverines Girls' Basketball Team, 2002-2003 District 3 Class/2A State Champions

By Senator Wagoner; Representative Chenault

Honoring - Cook Inlet Academy Boys' Basketball Team, 2002-2003 District 3/Class 2A Championship

By Senator Wagoner

Honoring - Nikiski Bulldogs Girls' Basketball Team, 2002-2003 Class 3A State Championship

By Senator Wagoner; Representative Chenault

In Memoriam - Toby Gamble

By Senator Davis

In Memoriam - Malcom S. Johnson and Isaiah T. Johnson

By Senator Davis

The following citation was introduced and taken up later as a Special Order of Business:

Honoring - University of Alaska Fairbanks Rifle Team

By Senator Seekins

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 278

HOUSE BILL NO. 278 by Representative Coghill, entitled:

"An Act relating to a masonic lodge license plate."

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

HB 279

HOUSE BILL NO. 279 by the House Rules Committee by request of the Governor, entitled:

"An Act expanding the purpose of the Alaska Natural Gas Development Authority to include planning, developing, constructing, managing, or operating an economically viable gas pipeline project from the North Slope of Alaska by a route that parallels the Trans Alaska Pipeline System or the Alaska Highway; relating to the development plan, requiring a work plan, and relating to acquiring permits or other property by the authority for a proposed gas pipeline project; 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.

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue

The Governor's transmittal letter dated April 17, 2003, follows:

"Dear Speaker Kott:

Under authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would amend the Alaska Natural Gas Development Authority Act (Act) (AS 41.41). This bill would amend the Act to expand the scope of projects that the Alaska Natural Gas Development Authority (authority) may consider. Under current law, the authority is required to develop a project plan within one year for a gas transmission pipeline running from the North Slope to tidewater at

a point on Prince William Sound. There may, however, be other projects that are economically viable to bring Alaska gas to market, including a gas transmission line from the North Slope to the Canadian border along the route of the Alaska Highway. The State of Alaska's approach to considering these potential projects should be consistent. The authority is, therefore, an appropriate vehicle to consider and plan for all economically viable projects that run from the North Slope by a route that parallels the Trans Alaska Pipeline System or the Alaska Highway.

Section 1 of the bill includes legislative findings and intent that it is in the best interests of the State of Alaska to expand the purpose of the authority to include in its planning and operation any economically viable gas pipeline project from the North Slope by a route that parallels the Trans Alaska Pipeline System or the Alaska Highway.

Section 2 of the bill would broaden the concept of what an essential government function is under the Act to beyond the acquisition and delivery of North Slope gas to tidewater.

Sections 3 and 4 of the bill clarify that the authority may acquire federal, state, or local permits as property of the authority under standards set out in AS 41.41.450, but the authority is not required to make any acquisition of property.

Section 5 of the bill would expand the definition of "project" to include any project that follows a route that parallels the Trans Alaska Pipeline System or the Alaska Highway.

Section 6 of the bill would replace the timeframe for production of a development plan for a gas pipeline project with a specific date for production of a work plan, which must include detailed budgeting and scheduling information. Requiring the authority to produce a detailed work plan by January 1, 2004, will facilitate delivery of a comprehensive development plan.

I believe that these amendments will enhance the State of Alaska's ability to promote the most viable project or projects to successfully bring Alaska's vast gas reserves to market.

I urge your prompt and favorable action on this measure.

Sincerely,
/s/
Frank H. Murkowski
Governor"

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 120

The following was read the second time:

HOUSE BILL NO. 120

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

with the:	Journal Page
L&C RPT CS(L&C) NT 4DP 1NR	602
FN1: ZERO(H.L&C/CED)	602
RLS RPT CS(RLS) NT 2DP 5NR	929
FN2: ZERO(H.RLS/CED)	930

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. 120(RLS)

"An Act excluding service contracts from regulation as insurance; relating to insurance licensing for motor vehicle service contracts and home warranties; and providing for an effective date."

Representative Berkowitz objected and withdrew the objection.

There being no further objection, it was so ordered.

Amendment No. 1 was offered by Representative Coghill:

Page 1, lines 7 - 8:

Delete ", and a service contract may not be considered a contract of insurance for purposes of this title"

Page 2, line 14:

Delete all material.

Reletter the following subparagraphs accordingly.

Page 2, line 15:

Delete "insurance"

Insert "a contract to provide service"

Page 2, line 28:

Delete "AS 21.03.021(e)(2)(E)"

Insert "AS 21.03.021(e)(2)(D)"

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

There being no objection, it was so ordered.

Amendment No. 2 was offered by Representative Gara:

Page 1, line 9, following "means a":

Insert "service"

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

Representative Croft objected and withdrew the objection.

There being no further objection, Amendment No. 2 was adopted.

Representative Coghill moved and asked unanimous consent that CSHB 120(RLS) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 120(RLS) am was read the third time.

The question being: "Shall CSHB 120(RLS) am pass the House?"
The roll was taken with the following result:

CSHB 120(RLS) am
Third Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 4 ABSENT: 2

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

Excused: Gruenberg, Harris, Masek, Wilson

Absent: Heinze, Kapsner

And so, CSHB 120(RLS) 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.

CSHB 120(RLS) am was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 43

The following was read the second time:

CS FOR SENATE BILL NO. 43(FIN)

"An Act extending the termination date of the State Medical Board."

with the:

Journal Page

L&C RPT 6DP

767

FN1: (CED)

767

FIN REFERRAL WAIVED

900

Representative Coghill moved and asked unanimous consent that CSSB 43(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 43(FIN) was read the third time.

The question being: "Shall CSSB 43(FIN) pass the House?" The roll was taken with the following result:

CSSB 43(FIN)
Third Reading
Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 4 ABSENT: 1

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

Excused: Gruenberg, Harris, Masek, Wilson

Absent: Kapsner

And so, CSSB 43(FIN) passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

LEGISLATIVE CITATIONS

Representative Coghill moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

Honoring - Mona Catherine Jackson

By Representatives Kookesh, Kott, Anderson, Berkowitz, Cissna, Crawford, Croft, Fate, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Kapsner, Kerttula, Masek, Meyer, Ogg, Rokeberg, Samuels, Seaton, Weyhrauch, Williams, Wilson; Senator Lincoln

CONCUR IN SENATE AMENDMENTS**HCR 2**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 982) on the following at this time:

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

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

and

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.

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSHCR 2(MLV) am, thus adopting SCS CSHCR 2(CRA), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHCR 2(MLV) am?" The roll was taken with the following result:

SCS CSHCR 2(CRA)

Concur

YEAS: 33 NAYS: 2 EXCUSED: 4 ABSENT: 1

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

Nays: Gara, Weyhrauch

Excused: Gruenberg, Harris, Masek, Wilson

Absent: Kapsner

And so, the House concurred in the Senate amendment, thus adopting SCS CSHCR 2(CRA).

The Chief Clerk notified the Senate.

SCS CSHCR 2(CRA) was referred to the Chief Clerk for enrollment.

UNFINISHED BUSINESS

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

Representative Joule - from 7:00 p.m., today to 3:00 p.m., April 27, 2003

Representative Kapsner - today

HB 278

The Speaker removed the State Affairs Committee referral and added a Health, Education & Social Services Committee referral to precede the Finance Committee referral for the following:

HOUSE BILL NO. 278

"An Act relating to a masonic lodge license plate."

HB 278 was referred to the Health, Education & Social Services Committee.

SB 120

The Speaker removed the Judiciary Committee referral for the following:

SENATE BILL NO. 120

"An Act relating to the state's sovereign immunity for certain actions regarding injury, illness, or death of state-employed seamen and to workers' compensation coverage for those seamen; and providing for an effective date."

SB 120 was referred to the Finance Committee.

HB 102

The State Affairs Committee submitted a corrected committee substitute for their report (page 960). The following bill is being reprinted today:

CS FOR HOUSE BILL NO. 102(STA)

"An Act relating to concealed deadly weapons."

HB 102 is in the Judiciary Committee.

HCR 2

Representative McGuire added her name as cosponsor to:

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.

HJR 25

Representative Heinze removed her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 25

Supporting Alaska's independent commercial fishermen and Alaska's fish processing industry and opposing the establishment of processor quota shares.

HB 50

Representative Chenault added his name as cosponsor to:

HOUSE BILL NO. 50

"An Act relating to the size of national flag to be displayed at polling places."

HB 120

Representative Lynn added his name as cosponsor to:

CS FOR HOUSE BILL NO. 120(RLS) am

"An Act excluding service contracts from regulation as insurance; relating to insurance licensing for motor vehicle service contracts and home warranties; and providing for an effective date."

SB 43

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

CS FOR SENATE BILL NO. 43(FIN)

"An Act extending the termination date of the State Medical Board."

SB 95

Representative Gatto added his name as cross sponsor to:

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."

SPECIAL ORDER OF BUSINESS

Representative Coghill moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - University of Alaska Fairbanks Rifle Team, be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that the House approve the citation. There being no objection, the following citation was approved and sent to enrolling:

Honoring - University of Alaska Fairbanks Rifle Team
By Senator Seekins; Representatives Kott, Anderson, Berkowitz,
Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara,
Gatto, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula,
Kohring, Kookesh, McGuire, Meyer, Morgan, Ogg, Rokeberg,
Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wolf

ENGROSSMENT

HB 120

CShB 120(RLS) am 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:

Health, Education & Social Services Committee
CHANGED TO: upon adj., 4/22

House Special Committee on Oil & Gas
CANCELED 3:00 p.m., 4/22

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the
House adjourn until 10:00 a.m., April 23, 2003. There being no
objection, the House adjourned at 3:17 p.m.

Suzi Lowell
Chief Clerk