

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Friday

May 2, 2003

One Hundred Second Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:58 a.m.

Roll call showed 33 members present. Representative Gatto had been previously excused from a call of the House today. Representatives Berkowitz, Croft, Kapsner, and Williams were absent and their presence was noted later.

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 Harris - to 1:00 p.m., today

Representative Chenault - from today to 10:00 a.m., May 5, 2003

The invocation was offered by the Chaplain, Pastor Jimmie Woods of Glacier Valley Baptist Church. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Recognizing and respecting different religious beliefs, I invite you to join me in your custom and habit. Let us pray.

God, I am thankful for all of Your blessings upon us today. I am thankful for Your presence among us. I am thankful that this legislative body welcomes You into their presence. I am thankful for the privilege to have been here this week to be a part of this time of prayer.

I am thankful for the men and women who serve here, whom You have placed in this body at this time. I am thankful for their dedicated service to You and the people. I am thankful for their desire to make this a better place for all people. I am thankful You have made this state great. I am thankful for the beauty of nature, the bountifulness of Your resources, and the blessings You give to each of us.

Guide this body today in its deliberations and give us Your peace as we seek Your wisdom and guidance because it is in the name of Jesus, I pray. Amen.

The Pledge of Allegiance was led by Representative Guttenberg.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 101st legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HCR 11

A message dated May 1, 2003, was read stating the Senate has passed:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 11(FSH)
am
Relating to Alaska Wild Salmon Week, June 30 - July 4, 2003.

CSHCR 11(FSH) am was referred to the Chief Clerk for enrollment.

HB 23

A message dated May 1, 2003, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 23(JUD)
"An Act relating to court-ordered restitution and compensation following a criminal conviction."

CSHB 23(JUD) was referred to the Chief Clerk for enrollment.

HB 187

A message dated May 1, 2003, was read stating the Senate has passed:

HOUSE BILL NO. 187

"An Act extending the termination date of the Board of Storage Tank Assistance; and providing for an effective date."

HB 187 was referred to the Chief Clerk for enrollment.

HB 75

A message dated May 1, 2003, was read stating the Senate has failed to recede from its amendment to:

CS FOR SS FOR HOUSE BILL NO. 75(FIN) am(brf sup maj fld)
"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

namely:

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO.
75(FIN)(brf sup maj fld S)
(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 (page 1226):

Senator Wilken
Senator Green
Senator Hoffman

The House members of the Conference Committee are Representatives Harris (Chair), Williams, and Croft (page 1248).

HB 76

A message dated May 1, 2003, was read stating the Senate has failed to recede from its amendment to:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 76(FIN)

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

namely:

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 76(FIN)
am S
(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 (page 1227):

Senator Wilken
Senator Green
Senator Hoffman

The House members of the Conference Committee are Representatives Harris (Chair), Williams, and Croft (page 1249).

HB 69

A message dated May 2, 2003, was read stating the Senate has returned the following at the request of the House:

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)

HB 69 is under Unfinished Business.

SJR 12

A message dated May 1, 2003, was read stating the Senate has concurred in the House amendment to CSSJR 12(RES), thus adopting:

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 12(FSH)

Supporting the halibut by-catch utilization project of the Alaska Food Coalition.

SB 108

A message dated May 1, 2003, was read stating the Senate has concurred in the House amendment to SB 108, thus adopting:

HOUSE CS FOR SENATE BILL NO. 108(FIN)

"An Act relating to payment rates under the Medicaid program for health facilities and to budgeting, accounting, and reporting requirements for those facilities; abolishing the Medicaid Rate Advisory Commission; and providing for an effective date."

A message dated May 1, 2003, was read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS**

SJR 17

SENATE JOINT RESOLUTION NO. 17 by Senators Olson, Dyson, Seekins, Wagoner, Lincoln, Elton, Ellis, Ben Stevens, Ogan, Cowdery, and Taylor:

Relating to the Alaska-Yukon Intergovernmental Relations Accord, to annual legislative exchanges, and to continuing intergovernmental work on matters of joint concern and mutual interest.

was read the first time and referred to the State Affairs Committee.

**The presence of Representatives Berkowitz, Kapsner, and Croft was noted.

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 147**

SENATE BILL NO. 147 by Senators Green, Therriault, Wilken, Taylor, Seekins, Wagoner, Dyson, Bunde, Cowdery, Ogan, Olson, and Ben Stevens, entitled:

"An Act relating to control of nuisance wild animals; and providing for an effective date."

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

REPORTS OF STANDING COMMITTEES**HB 229**

The Finance Committee has considered:

HOUSE BILL NO. 229

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

and recommends it be replaced with:

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

Do pass (7): Meyer, Hawker, Chenault, Whitaker, Foster, Harris, Williams

No recommendation (4): Stoltze, Joule, Croft, Moses

The following fiscal note(s) apply to CSHB 229(FIN):

2. Fiscal, Dept. of Corrections
3. Fiscal, Dept. of Health & Social Services
4. Fiscal, Dept. of Health & Social Services

HB 229 is on today's calendar.

HB 269

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 269

"An Act establishing the Safety Code Task Force; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 269(L&C)
(same title)

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

Do pass (2): Gatto, Dahlstrom

Do not pass (1): Rokeberg

No recommendation (3): Crawford, Guttenberg, Anderson

The following fiscal note(s) apply to CSHB 269(L&C):

1. Zero, Dept. of Community & Economic Development
2. Fiscal, Legislative Agency
3. Fiscal, Dept. of Public Safety

HB 269 was referred to the Finance Committee.

SB 124

The Finance Committee has considered:

SENATE BILL NO. 124(efd fld)
"An Act relating to grants for alcoholism and drug abuse programs."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 124(FIN)
"An Act relating to grants for alcoholism and drug abuse programs; and providing for an effective date."

(technical title change)

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

Do pass (4): Chenault, Whitaker, Hawker, Williams

Do not pass (2): Croft, Joule

No recommendation (3): Moses, Stoltze, Harris

The following fiscal note(s) apply to HCS SB 124(FIN):

1. Fiscal, Dept. of Health & Social Services
2. Fiscal, Dept. of Health & Social Services
3. Fiscal, Dept. of Health & Social Services
4. Fiscal, Dept. of Health & Social Services

SB 124(efd fld) was referred to the Rules Committee for placement on the calendar.

SB 139

The Finance Committee has considered:

SENATE BILL NO. 139
"An Act repealing the termination date of the Alaska salmon price report program; and providing for an effective date."

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

Do pass (9): Meyer, Hawker, Croft, Moses, Chenault, Whitaker, Foster, Harris, Williams

No recommendation (1): Stoltze

The following fiscal note(s) apply:

2. Fiscal, Dept. of Revenue

SB 139 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES

HJR 9

The House Special Committee on Ways & Means has considered:

HOUSE JOINT RESOLUTION NO. 9

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit and a spending limit.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 9(W&M)

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit.

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

Do pass (3): Heinze, Whitaker, Hawker

No recommendation (2): Moses, Gruenberg

Amend (2): Kohring, Wilson

The following fiscal note(s) apply to CSHJR 9(W&M):

1. Fiscal, Office of the Governor

HJR 9 was referred to the State Affairs Committee.

HJR 14

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE JOINT RESOLUTION NO. 14

Relating to urging that the 2006 National Veterans Wheelchair Games be held in Anchorage, Alaska.

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

Do pass (5): Masek, Gruenberg, Weyhrauch, Cissna, Lynn

The following fiscal note(s) apply:

1. Zero, House Special Committee on Military & Veterans' Affairs

HJR 14 was referred to the State Affairs Committee.

HJR 26

The House Special Committee on Ways & Means has considered:

HOUSE JOINT RESOLUTION NO. 26

Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from and inflation-proofing the Alaska permanent fund by establishing a percent of market value spending limit.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 26(W&M)

Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from the Alaska permanent fund based on an averaged percent of the fund market value to protect the fund from inflation and assure that the real value of the fund will be preserved over the long term.

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

Do pass (5): Heinze, Moses, Wilson, Hawker, Whitaker

Do not pass (1): Kohring

No recommendation (1): Gruenberg

The following fiscal note(s) apply to CSHJR 26(W&M):

1. Fiscal, Office of the Governor
2. Zero, Dept. of Revenue

HJR 26 was referred to the Judiciary Committee.

HB 228

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE BILL NO. 228

"An Act relating to state employees who are called to active duty as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 228(MLV)

"An Act relating to state employees who are called to active duty or ordered to full-time service as reserve or auxiliary members of the armed forces of the United States; and providing for an effective date."

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

Do pass (4): Dahlstrom, Cissna, Gruenberg, Lynn

No recommendation (2): Masek, Weyhrauch

The following fiscal note(s) apply to CSHB 228(MLV):

1. Zero, Dept. of Military & Veterans' Affairs
2. Indeterminate, Dept. of Administration/All Depts.

HB 228 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:

In Memoriam - Mildred Kagoona Sage
By Representative Joule

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 296

HOUSE BILL NO. 296 by Representatives Croft, Crawford, and Guttenberg, entitled:

"An Act making an appropriation for the operation of the Alaska Natural Gas Development Authority; 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.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 10

The following was read the second time:

HOUSE BILL NO. 10

"An Act amending the definition of group health insurance, and allowing the Department of Administration to obtain a policy or policies of group health care insurance for employers that are

small businesses, nonprofit organizations, special services organizations, or small associations for insurance purposes; and providing for an effective date."

with the:

Journal Page

L&C RPT CS(L&C) NT 5DP 2NR	958
FN1: ZERO(H.L&C/ADM)	959
HES RPT CS(HES) NT 3DP 2NR	1229
FN1: ZERO(H.L&C/ADM)	1230

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. 10(HES)

"An Act relating to pooling by employers and self-employed individuals for purposes of group health insurance; and providing for an effective date."

There being no objection, it was so ordered.

**The presence of Representative Williams was noted.

Representative Coghill moved and asked unanimous consent that CSHB 10(HES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 10(HES) was read the third time.

The question being: "Shall CSHB 10(HES) pass the House?" The roll was taken with the following result:

CSHB 10(HES)
Third Reading
Final Passage

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

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

Excused: Chenault, Gatto, Harris

And so, CSHB 10(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.

CSHB 10(HES) was referred to the Chief Clerk for engrossment.

HB 229

The following was read the second time:

HOUSE BILL NO. 229

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

with the:	Journal Page
STA RPT CS(STA) NT 3DP 4NR	931
FN1: (COR)	931
FIN RPT CS(FIN) NT 7DP 4NR	1268
FN2: (COR)	1269
FN3: (HSS); FN4: (HSS)	1269

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. 229(FIN)

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

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 229(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 229(FIN) will advance to third reading on the May 5, 2003, calendar.

SECOND READING OF SENATE BILLS

SB 115

The following was read the second time:

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."

with the:

Journal Page

FIN RPT HCS(FIN) NT 5DP 2NR

1153

FN1: (COR)

1154

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

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)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS SB 115(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS SB 115(FIN) was read the third time.

The question being: "Shall HCS SB 115(FIN) pass the House?" The roll was taken with the following result:

HCS SB 115(FIN)
Third Reading
Final Passage

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

Yea: Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gruenberg, Guttenberg, Hawker, Heinze, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nay: Holm, Whitaker

Excused: Chenault, Gatto, Harris

And so, HCS SB 115(FIN) 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 SB 115(FIN) was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HCR 20

The following was read the second time:

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.

The question being: "Shall HCR 20 pass the House?" The roll was taken with the following result:

HCR 20
Second Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

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

Excused: Chenault, Gatto, Harris

Absent: Masek

And so, HCR 20 passed the House and was referred to the Chief Clerk for engrossment.

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 - John W. Katz

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

Honoring - Cleo Bishop, Jr.

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

Honoring - Susan Okeson

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

UNFINISHED BUSINESS

HB 191

Representative McGuire moved and asked unanimous consent that the following be discharged from the Judiciary Committee:

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."

Representative Berkowitz objected.

The Speaker stated that, without objection, the House would recess until 1:30 p.m.; and so, the House recessed at noon.

AFTER RECESS

The Speaker called the House back to order at 2:25 p.m.

**The presence of Representative Harris was noted.

HB 191

The motion to discharge the following from the Judiciary Committee was before the House:

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."

Representative McGuire moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

Representative McGuire moved and asked unanimous consent that the House revert to Reports of Standing Committees.

Representative Berkowitz objected.

Representative McGuire moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

Representative Weyhrauch moved and asked unanimous consent that the House revert to Introduction of Guests.

Representative Berkowitz objected.

Representative Weyhrauch moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

Representative Stoltze moved and asked unanimous consent that the House revert to the Pledge of Allegiance.

Representative Berkowitz objected.

Representative Stoltze moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

Representative McGuire moved and asked unanimous consent that the following be discharged from the Judiciary Committee:

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."

Representative Berkowitz objected and rose to a point of order citing Mason's Manual Section 712(2).

The Speaker ruled the motion in order.

Representative Rokeberg rose to a point of order citing Mason's Manual Section 491(4).

The Speaker ruled that the point was well taken.

The question being: "Shall HB 191 be discharged from the Judiciary Committee?" The roll was taken with the following result:

HB 191

Discharge from Judiciary Committee

YEAS: 25 NAYS: 11 EXCUSED: 2 ABSENT: 2

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

Nay: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Moses

Excused: Chenault, Gatto

Absent: Kapsner, Williams

And so, HB 191 was discharged from the Judiciary Committee and referred to the Finance 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 Holm - from 7:00 p.m., May 2 to 10:00 a.m., May 5, 2003

Representative Fate - from 7:00 a.m., May 3 to 11:00 a.m., May 4, 2003

Representative Whitaker - from evening plane time, May 8 to evening plane time, May 11, 2003

Representative Williams - from 3:00 p.m., May 2 to 10:00 p.m., May 4, 2003

Representative Seaton - from 8:30 a.m. to noon, May 3, 2003

Representative Wilson - from 8:30 a.m. to noon, May 3, 2003
(amended from page 1169)

Representative McGuire - from 7:00 a.m., May 3 to 7:00 p.m., May 5, 2003

Representative Kapsner - from morning plane time, May 5 to evening plane time, May 16, 2003

Representative Gruenberg - from 1:15 p.m. to 2:00 p.m., May 6, 2003

Representative Masek - from noon, May 3 to 10:00 a.m., plane time, May 5, 2003

HB 191

Representative Berkowitz moved and asked unanimous consent that the following be referred to the Community & Regional Affairs Committee:

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."

Representative Rokeberg objected.

Representative Berkowitz moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

HB 191 is in the Finance Committee.

RECONSIDERATION**HB 86**

Representative McGuire brought up reconsideration of the vote on CSSH 86(JUD) am (page 1252).

The following was again before the House in third reading:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
86(JUD) am

"An Act relating to civil liability for malicious claims for injunctive relief against state permitted projects; and providing for an effective date."

Representative McGuire moved and asked unanimous consent that CSSSHB 86(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 2.

Representative Kerttula objected.

The question being: "Shall CSSSHB 86(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 2?" The roll was taken with the following result:

CSSSHB 86(JUD) am--RECONSIDERATION
Third Reading
Return to Second for Amendment No. 2

YEAS: 23 NAYS: 11 EXCUSED: 3 ABSENT: 3

Yea: Coghill, Dahlstrom, Fate, Foster, Harris, Hawker, Heinze, Holm, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Stoltze, Weyhrauch, Whitaker, Wilson, Wolf

Nay: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Moses

Excused: Chenault, Gatto, Williams

Absent: Anderson, Kapsner, Seaton

And so, CSSSHB 86(JUD) am was returned to second reading.

Amendment No. 2 was offered by Representative McGuire:

Page 1, line 1 (title amendment):

 Delete "**civil liability for malicious claims for injunctive relief against**"

Page 1, line 5, following "**claim**":

 Delete "**for injunctive relief**"

Page 1, line 7, following "claim":

 Delete "for injunctive relief"

Page 2, line 9, following "claim":

 Delete "for injunctive relief"

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

Representative Kerttula objected.

Representative McGuire placed a call of the House.

Amendment No. 1 to Amendment No. 2 was offered by Representative Gara:

Delete the following:

"Page 1, line 7, following "claim":

 Delete "for injunctive relief""

Representative Gara moved and asked unanimous consent that Amendment No. 1 to Amendment No. 2 be adopted. There being no objection, it was so ordered.

Representative McGuire lifted the call.

Amendment No. 2 to Amendment No. 2 as amended was offered by Representative Gruenberg:

Delete the following:

"Page 2, line 9, following "claim":

 Delete "for injunctive relief""

Representative Gruenberg moved and asked unanimous consent that Amendment No. 2 to Amendment No. 2 as amended be adopted. There being no objection, it was so ordered.

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

CSSSHB 86(JUD) am--RECONSIDERATION

Second Reading

Amendment No. 2 as amended

YEAS: 23 NAYS: 9 EXCUSED: 3 ABSENT: 5

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

Nay: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula

Excused: Chenault, Gatto, Williams

Absent: Kapsner, Kookesh, Masek, Meyer, Moses

And so, Amendment No. 2 as amended was adopted and the new title follows:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
86(JUD) am

"An Act relating to state permitted projects; and providing for an effective date."

Amendment No. 3 (title amendment) was offered by Representative Berkowitz:

Page 1, line 1, following "to":

Insert "**civil liability for malicious claims against**"

Representative Berkowitz moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative McGuire objected.

Representative Rokeberg moved the previous question.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSSSHB 86(JUD) am--RECONSIDERATION

Third Reading

Amendment No. 3

YEAS: 15 NAYS: 19 EXCUSED: 3 ABSENT: 3

Yea: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kohring, Kookesh, Kott, Masek, Seaton, Weyhrauch

Nays: Anderson, Coghill, Dahlstrom, Fate, Foster, Harris, Hawker, Heinze, Holm, Lynn, McGuire, Morgan, Ogg, Rokeberg, Samuels, Stoltze, Whitaker, Wilson, Wolf

Excused: Chenault, Gatto, Williams

Absent: Kapsner, Meyer, Moses

And so, Amendment No. 3 was not adopted.

The question to be reconsidered: "Shall CSSSHB 86(JUD) am pass the House?" The roll was taken with the following result:

CSSSHB 86(JUD) am--RECONSIDERATION

Third Reading

Final Passage

YEAS: 28 NAYS: 6 EXCUSED: 3 ABSENT: 3

Yea: Anderson, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gruenberg, Harris, Hawker, Heinze, Holm, Kohring, Kott, Lynn, Masek, McGuire, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Wilson, Wolf

Nays: Berkowitz, Cissna, Guttenberg, Joule, Kerttula, Kookesh

Excused: Chenault, Gatto, Williams

Absent: Kapsner, Meyer, Moses

Gara changed from "Nay" to "Yea".

And so, CSSSHB 86(JUD) am passed the House on reconsideration.

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.

Representative Berkowitz objected.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSSSHB 86(JUD) am--RECONSIDERATION
Third Reading
Effective Date

YEAS: 31 NAYS: 4 EXCUSED: 3 ABSENT: 2

Yea: Anderson, Berkowitz, Cissna, Coghill, Crawford, Dahlstrom, Fate, Foster, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Wilson, Wolf

Nays: Croft, Gara, Kerttula, Kookesh

Excused: Chenault, Gatto, Williams

Absent: Kapsner, Moses

And so, the effective date clause was adopted.

CSSSHB 86(JUD) am was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

HJR 14

Representative Lynn added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 14
Relating to urging that the 2006 National Veterans Wheelchair Games be held in Anchorage, Alaska.

HB 10

Representatives Crawford, Dahlstrom, Meyer, Lynn, and Berkowitz added their names as cosponsors to:

CS FOR HOUSE BILL NO. 10(HES)
"An Act relating to pooling by employers and self-employed individuals for purposes of group health insurance; and providing for an effective date."

HB 206

Representative Lynn added his name as cosponsor to:

HOUSE BILL NO. 206

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

HB 287

Representative Lynn added his name as cosponsor to:

HOUSE BILL NO. 287

"An Act relating to waiver of permanent fund dividend application requirements in a time of national military emergency; and providing for an effective date."

HB 294

Representative Wilson added her name as cosponsor to:

HOUSE BILL NO. 294

"An Act relating to murder and assault of unborn children."

SJR 17

Representatives Stoltze, Dahlstrom, Wilson, and Gruenberg added their names as cross sponsors to:

SENATE JOINT RESOLUTION NO. 17

Relating to the Alaska-Yukon Intergovernmental Relations Accord, to annual legislative exchanges, and to continuing intergovernmental work on matters of joint concern and mutual interest.

ENGROSSMENT

HCR 20

HCR 20 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 10

CSHB 10(HES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 86

CSSSHB 86(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 115

HCS SB 115(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT**HB 140**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:40 a.m., May 2, 2003:

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."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meetings today have been changed as indicated:

Resources Committee
CANCELED:

1:00 p.m., 5/2

Finance Committee
CANCELED:

1:30 p.m., 5/2

Judiciary Committee
CHANGED TO:

4:00 p.m., 5/2

Labor & Commerce Committee
CHANGED TO:

4:00 p.m., 5/2

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., May 5, 2003. There being no objection, the House adjourned at 3:51 p.m.

Suzi Lowell
Chief Clerk

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