

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Saturday

May 10, 2003

One Hundred Tenth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 11:55 a.m.

Roll call showed 31 members present. Representatives Croft, Fate, Holm, Joule, and Kapsner had been previously excused from a call of the House today. Representatives Foster, Heinze, Kerttula, and Moses were absent and their presence was noted later.

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

With respect to the many beliefs represented today, I offer this prayer.

Our Father in heaven, we stand together today grateful for our many blessings, grateful for our health and strength, for our freedom, our families, and for this beautiful state we live in.

Heavenly Father, we ask Thee for guidance as we work together in this body. Bless us with clear minds, with the abilities to discern and make good choices.

Bless us, Father, as we all come from different backgrounds and experiences, that we will be tolerant of our differences as we each remain true to our convictions.

Bless the members of this body who are ill, that their health will be returned to them. Bless the member who gave birth - we are grateful for this miracle. Father, please bless all those who may be hurting mentally or physically, that they may feel comfort from Thee.

Bless the men and women who are defending our country. Again we are grateful for our blessings. We are grateful for our lives and ask Thy spirit to be with us this day.

This is our prayer in the name of Jesus Christ. Amen.

The Pledge of Allegiance was led by Representative Dahlstrom.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 109th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

HCR 7

A message dated May 8, 2003, was read stating the Governor is transmitting the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RLS)
Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to executive sessions of legislative bodies; and providing for an effective date for the amendment.

Legislative Resolve No. 16

**The presence of Representative Moses was noted.

HCR 11

A message dated May 8, 2003, was read stating the Governor is transmitting the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's office for permanent filing:

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

Legislative Resolve No. 15

HCR 20

A message dated May 9, 2003, was read stating the Governor is transmitting the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's office for permanent filing:

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.

Legislative Resolve No. 17

SCR 9

A message dated May 9, 2003, was read stating the Governor is transmitting the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's office for permanent filing:

SENATE CONCURRENT RESOLUTION NO. 9
Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of
the Alaska State Legislature, concerning House Bill No. 52,
relating to the forfeiture of certain property used in certain crimes.

Legislative Resolve No. 18

SJR 12

A message dated May 8, 2003, was read stating the Governor is transmitting the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's office for permanent filing:

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

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

Legislative Resolve No. 14

SB 83

A message dated May 9, 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. 83

"An Act naming the Sven Haakanson, Sr. Airport at Old Harbor."

Chapter No. 18, SLA 2003

Effective Date: August 7, 2003

MESSAGES FROM THE SENATE

A message dated May 9, 2003, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 210**

SENATE BILL NO. 210 by the Senate Labor & Commerce Committee, entitled:

"An Act regarding the computation of overtime compensation by employers before June 2, 1999; and providing for an effective date."

was read the first time and referred to the Labor & Commerce Committee.

REPORTS OF STANDING COMMITTEES

The Judiciary Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

William Granger

as a member of the Board of Governors of the Alaska Bar.

The report was signed by Representative McGuire, Chair; and Representatives Holm, Gara, Gruenberg, Ogg, and Samuels.

HJR 14

The State Affairs Committee has considered:

HOUSE JOINT RESOLUTION NO. 14

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

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 14(STA)

Urging that the 2006 National Veterans Wheelchair Games be held in Anchorage, Alaska.

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

Do pass (6): Seaton, Gruenberg, Holm, Lynn, Dahlstrom, Weyhrauch

The following fiscal note(s) apply to CSHJR 14(STA):

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

HJR 14 is on today's calendar.

HJR 22

The Judiciary Committee has considered:

HOUSE JOINT RESOLUTION NO. 22
Relating to the USA PATRIOT Act and to defending the Bill of Rights, the Constitution of the State of Alaska, and civil liberties.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 22(JUD)
Relating to the USA PATRIOT Act, the Bill of Rights, the Constitution of the State of Alaska, and the civil liberties, peace, and security of the citizens of our country.

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

Do pass (7): Samuels, Holm, Gara, Ogg, Gruenberg, Anderson, McGuire

The following fiscal note(s) apply to CSHJR 22(JUD):

1. Zero, Dept. of Law

HJR 22 was referred to the Rules Committee for placement on the calendar.

HJR 24

The State Affairs Committee has considered:

HOUSE JOINT RESOLUTION NO. 24
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.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 24(STA)
(same title)

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

Do pass (7): Seaton, Gruenberg, Holm, Lynn, Dahlstrom, Berkowitz, Weyhrauch

The following fiscal note(s) apply to CSHJR 24(STA):

1. Zero, House State Affairs Committee

HJR 24 was referred to the Rules Committee for placement on the calendar.

HB 260

The Judiciary Committee has considered:

HOUSE BILL NO. 260

"An Act relating to immunity for free health care services provided by certain health care providers; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 260(JUD)
(same title)

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

Do pass (6): Holm, Gara, Ogg, Gruenberg, Samuels, McGuire

The following fiscal note(s) apply to CSHB 260(JUD):

1. Zero, Dept. of Community & Economic Development

HB 260 was referred to the Rules Committee for placement on the calendar.

HB 271

The Rules Committee has considered:

HOUSE BILL NO. 271

"An Act levying and providing for the collection and administration of an excise tax on passenger vehicle rentals; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 271(FIN)

"An Act levying and providing for the collection and administration of excise taxes on the rental of passenger and recreational vehicles usable on highways and vehicular ways; and providing for an effective date."

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

Do pass (1): Kott

Do not pass (1): Berkowitz

No recommendation (2): Morgan, Coghill

Amend (2): McGuire, Rokeberg

The following fiscal note(s) apply to CSHB 271(FIN):

2. Fiscal, Dept. of Revenue

HB 271 was returned to the Rules Committee for placement on the calendar.

**The presence of Representative Foster was noted.

HB 288

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 288

"An Act changing the name of the Department of Community and Economic Development."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 288(STA)

"An Act changing the name of the Department of Community and Economic Development to the Department of Commerce and Economic Development."

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

Do pass (3): Gatto, Dahlstrom, Lynn

No recommendation (1): Rokeberg

Amend (2): Crawford, Guttenberg

The following fiscal note(s) apply to CSHB 288(STA):

1. Zero, Dept. of Community & Economic Development

HB 288 was referred to the Community & Regional Affairs Committee.

HB 301

The Transportation Committee has considered:

HOUSE BILL NO. 301

"An Act establishing the Knik Arm Bridge and Toll Authority and relating to that authority; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 301(TRA)
(same title)

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

Do pass (4): Ogg, Kohring, Fate, Masek

No recommendation (1): Holm

The following fiscal note(s) apply to CSHB 301(TRA):

1. Fiscal, Dept. of Transportation & Public Facilities

HB 301 was referred to the Finance Committee.

HB 305

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 305

"An Act relating to the calculation and payment of unemployment compensation benefits; and providing for an effective date."

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

Do pass (4): Crawford, Guttenberg, Dahlstrom, Anderson

No recommendation (2): Lynn, Rokeberg

The following fiscal note(s) apply:

1. Zero, Dept. of Labor & Workforce Development

HB 305 was referred to the Finance Committee.

SB 142

The Rules Committee has considered:

SENATE BILL NO. 142

"An Act designating the Department of Natural Resources as lead agency for resource development projects; making conforming amendments; and providing for an effective date."

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

Do pass (5): McGuire, Kott, Morgan, Coghill, Rokeberg

Amend (1): Berkowitz

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources
2. Zero, Dept. of Environmental Conservation

SB 142 was returned to the Rules Committee for placement on the calendar.

SB 147

The Resources Committee has considered:

SENATE BILL NO. 147

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

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

Do pass (7): Lynn, Gatto, Morgan, Heinze, Masek, Wolf, Fate

No recommendation (1): Cissna

The following fiscal note(s) apply:

1. Fiscal, Dept. of Fish & Game

SB 147 was referred to the Finance Committee.

**The presence of Representative Heinze was noted.

SB 155

The Resources Committee has considered:

CS FOR SENATE BILL NO. 155(RES)

"An Act relating to predator control programs; and providing for an effective date."

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

Do pass (6): Masek, Gatto, Morgan, Wolf, Lynn, Fate

Amend (3): Guttenberg, Cissna, Heinze

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

CSSB 155(RES) was referred to the Community & Regional Affairs Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Hydaburg Boys Claim Alaska State Basketball Title
By Representative Kookesh

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 316

HOUSE BILL NO. 316 by Representative Coghill, entitled:

"An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; and providing for an effective date."

was read the first time and referred to the Health, Education & Social Services and Labor & Commerce Committees.

HB 317

HOUSE BILL NO. 317 by Representatives Coghill, Gruenberg, and McGuire, entitled:

"An Act requiring certain businesses to recognize postmark dates as the date of payment."

was read the first time and referred to the Labor & Commerce and State Affairs Committees.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 210

The following was read the second time:

HOUSE BILL NO. 210

"An Act relating to the Chitina dip net fishery; and providing for an effective date."

with the:

Journal Page

RES RPT CS(RES) 5DP 3AM	815
FN1: ZERO(DNR)	815
FN2: (DFG)	815
FIN RPT CS(RES) 5DP 2DNP 2NR	1491
FN1: ZERO(DNR)	1492
FN3: (DFG)	1492

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. 210(RES)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 210(RES) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 210(RES) will advance to third reading on the May 12, 2003, calendar.

HB 232

The following was read the second time:

HOUSE BILL NO. 232

"An Act relating to mercury classics; and providing for an effective date."

with the:

Journal Page

L&C RPT 7DP	1151
FN1: ZERO(H.L&C/REV)	1152
FIN RPT 8DP	1492
FN1: ZERO(H.L&C/REV)	1493

Representative Coghill moved and asked unanimous consent that HB 232 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 232 was read the third time.

The question being: "Shall HB 232 pass the House?" The roll was taken with the following result:

HB 232
Third Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson, Wolf

Excused: Croft, Fate, Holm, Joule, Kapsner

Absent: Kerttula

And so, HB 232 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 232 was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 154

The following, which was advanced to third reading from the May 9, 2003, calendar (page 1497), was read the third time:

CS FOR HOUSE BILL NO. 154(FIN)

"An Act relating to advancement in public schools of children under school age; and providing for an effective date for the Act of July 1, 2004."

The question being: "Shall CSHB 154(FIN) pass the House?" The roll was taken with the following result:

CSHB 154(FIN)
Third Reading
Final Passage

YEAS: 26 NAYS: 8 EXCUSED: 5 ABSENT: 1

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

Nay: Berkowitz, Cissna, Crawford, Gara, Gruenberg, Guttenberg, Kookesh, Moses

Excused: Croft, Fate, Holm, Joule, Kapsner

Absent: Kerttula

And so, CSHB 154(FIN) passed the House.

Representative Coghill moved that the effective date clause be adopted.

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

CSHB 154(FIN)
Third Reading
Effective Date

YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1

Yea: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson, Wolf

Excused: Croft, Fate, Holm, Joule, Kapsner

Absent: Kerttula

And so, the effective date clause was adopted.

CSHB 154(FIN) was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HJR 14

The following was read the second time:

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

with the:	Journal Page
MLV RPT 5DP	1272
FN1: ZERO(H.MLV)	1272
STA RPT CS(STA) NT 6DP	1531
FN1: ZERO(H.MLV)	1531

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

CS FOR HOUSE JOINT RESOLUTION NO. 14(STA)
Urging that the 2006 National Veterans Wheelchair Games be held in Anchorage, Alaska.

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHJR 14(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 14(STA) was read the third time.

The question being: "Shall CSHJR 14(STA) pass the House?" The roll was taken with the following result:

CSHJR 14(STA)
Third Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1

Yea: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson, Wolf

Excused: Croft, Fate, Holm, Joule, Kapsner

Absent: Kerttula

And so, CSHJR 14(STA) passed the House and was referred to the Chief Clerk for engrossment.

HCR 21

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 21
Relating to establishing the Alaska Energy Policy Task Force.

HOUSE JOURNAL
1544 May 10, 2003

with the: Journal Page

FIN RPT CS(FIN) 7DP	1490
FN1: (LEG)	1491

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

CS FOR HOUSE CONCURRENT RESOLUTION NO. 21(FIN)
(same title)

There being no objection, it was so ordered.

**The presence of Representative Kerttula was noted.

The question being: "Shall CSHCR 21(FIN) pass the House?" The roll was taken with the following result:

CSHCR 21(FIN)
Second Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson, Wolf

Excused: Croft, Fate, Holm, Joule, Kapsner

Absent: Moses

And so, CSHCR 21(FIN) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE RESOLUTIONS

SJR 17

The following was read the second time:

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.

with the:

Journal Page

STA RPT 4DP
FN1: ZERO(S.STA)

1351
1352

Representative Coghill moved and asked unanimous consent that SJR 17 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SJR 17 was read the third time.

Representative Stoltze moved and asked unanimous consent that Representative Gruenberg be shown as first cross sponsor of the resolution. There being no objection, it was so ordered.

The question being: "Shall SJR 17 pass the House?" The roll was taken with the following result:

SJR 17
Third Reading
Final Passage

YEAS: 33 NAYS: 0 EXCUSED: 5 ABSENT: 2

Yea: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Whitaker, Williams, Wilson, Wolf

Excused: Croft, Fate, Holm, Joule, Kapsner

Absent: Morgan, Moses

And so, SJR 17 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

UNFINISHED BUSINESS**HCR 21**

Representatives Lynn, Cissna, Wilson, Dahlstrom, Guttenberg, Crawford, Gara, and Berkowitz added their names as cosponsors to:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 21(FIN)
Relating to establishing the Alaska Energy Policy Task Force.

HJR 14

Representatives Wilson, Samuels, Cissna, Meyer, and Anderson added their names as cosponsors to:

CS FOR HOUSE JOINT RESOLUTION NO. 14(STA)
Urging that the 2006 National Veterans Wheelchair Games be held in Anchorage, Alaska.

HB 210

Representative Dahlstrom added her name as cosponsor to:

CS FOR HOUSE BILL NO. 210(RES)
"An Act relating to the Chitina dip net fishery; and providing for an effective date."

HB 232

Representative Lynn added his name as cosponsor to:

HOUSE BILL NO. 232
"An Act relating to mercury classics; and providing for an effective date."

SJR 17

Representatives Lynn, Coghill, and Rokeberg 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 21**

CSHCR 21(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HJR 14

CSHJR 14(STA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 154

CSHB 154(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 232

HB 232 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.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., May 12, 2003. There being no objection, the House adjourned at 12:54 p.m.

Suzi Lowell
Chief Clerk