

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

January 26, 2004

Fifteenth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 11:01 a.m.

Roll call showed 37 members present. Representatives Dahlstrom and Kohring had been previously excused from a call of the House today. Representative Croft was absent and his presence was noted later.

The invocation was offered by the Chaplain, Pastor Dan Doran of Faith Lutheran Church. Representative Fate moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray.

Almighty God,

You have given us this good land as our heritage. Make us always remember Your generosity and constantly strive to do Your will. Bless those who hold office in the government of this state that they do their work in a spirit of wisdom, kindness, and justice for all. Help our leaders use their authority to serve faithfully to the end that the general welfare is promoted. Help them be good stewards of all that which is a gift from You. Bless their efforts and give them adequate rest from their labors. All this we ask in the name of Your Son. Amen.

The Pledge of Allegiance was led by Representative Berkowitz.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 12th, 13th, and 14th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that the House recess for a meeting of the Committee on Committees. There being no objection, the House recessed at 11:09 a.m.

AFTER RECESS

The Speaker called the House back to order at 11:45 a.m.

**The presence of Representative Croft was noted.

Representative Coghill moved and asked unanimous consent that Representative Hawker be excused from a call of the House from noon to 1:30 p.m., today. There being no objection, it was so ordered.

The Speaker stated that, without objection, the House would advance to:

REPORTS OF SPECIAL COMMITTEES

The following report of the Committee on Committees, dated January 26, 2004, was read submitting an amendment to the January 12, 2004, report (page 2274):

Labor & Commerce Committee: Gatto replaces Lynn as Vice Chair

House Special Committee on Military & Veterans' Affairs: Stepovich replaces Lynn as Chair

The report was signed by Representative Kott, Chair; and Representatives Coghill, Rokeberg, Harris, Williams, Berkowitz, and Kerttula.

Representative Coghill moved and asked unanimous consent that the House adopt the Committee on Committees Report as amended.

Representative Berkowitz objected.

The question being: "Shall the House adopt the Committee on Committees report as amended?" The roll was taken with the following result:

Adopt Committee on Committees Report

YEAS: 25 NAYS: 13 EXCUSED: 2 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Kookesh, Moses, Wolf

Excused: Dahlstrom, Kohring

And so, the Committee on Committees report as amended was adopted.

COMMUNICATIONS

The following were received:

Dept. of Community & Economic Development
Report of the 2004 Alaska Minerals Commission
January 22, 2004
(as required by AS 44.33.431)

Dept. of Transportation & Public Facilities
International Airport Revenue Bond
Construction Fund Report
January 14, 2004
(as required by AS 37.15.420)

SB 213

Pursuant to:

CS FOR SENATE BILL NO. 213(FIN)(efd fld)
"An Act establishing the Knik Arm Bridge and Toll Authority and relating to that authority."

Chapter No. 77, SLA 2003
Effective Date: September 10, 2003

The following was received:

Knik Arm Bridge and Toll Authority
Annual Report
January 12, 2004

REPORTS OF STANDING COMMITTEES

HB 340

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 340
"An Act relating to damages in an action for a defect in the design, construction, and remodeling of certain dwellings; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 340(L&C)
(same title)

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

Do pass (1): Anderson

No recommendation (4): Crawford, Lynn, Gatto, Guttenberg

The following fiscal note(s) apply to CSHB 340(L&C):

1. Zero, Dept. of Community & Economic Development

HB 340 was referred to the Judiciary Committee.

HB 351

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 351

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 351(L&C)
(same title)

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

Do pass (5): Crawford, Lynn, Gatto, Guttenberg, Anderson

The following fiscal note(s) apply to CSHB 351(L&C):

1. Zero, House Labor & Commerce Committee/Dept. of Health & Social Services

HB 351 was referred to the State Affairs Committee.

CONSIDERATION OF THE DAILY CALENDAR**SENATE BILLS IN THIRD READING****SB 173**

The following, which had been on the January 12, 2004, calendar under reconsideration and returned to the Rules Committee (page 2306), was again before the House in third reading:

SENATE BILL NO. 173(efd fld)

"An Act repealing statutes pertaining to the Alaska Science and Technology Foundation and transferring money in the foundation's endowment; repealing statutes relating to the BIDCO

assistance program; repealing statutes pertaining to the international trade and business endowment and transferring money in the international trade and business endowment; transferring oversight administration of outstanding Alaska Science and Technology Foundation loans and grants to the Alaska Industrial Development and Export Authority; establishing an Alaska BIDCO assistance program to be administered by the Department of Community and Economic Development; and making conforming amendments."

Representative Guttenberg moved and asked unanimous consent that SB 173(efd fld) be returned to second reading for the specific purpose of considering Amendment No. 1.

Representative Rokeberg objected and withdrew the objection. There being no further objection, it was so ordered.

Amendment No. 1 was offered by Representative Guttenberg:

Page 1, line 1 (title amendment):

Delete "**repealing statutes pertaining**"

Insert "**relating**"

Page 2, line 2:

Delete "eliminate the Alaska Science and Technology Foundation"

Insert "not use the Alaska Science and Technology Foundation at this time"

Page 9, line 13:

Delete "former"

Page 9, lines 17 - 18:

Delete "AS 37.17.010, 37.17.020, 37.17.030, 37.17.040, 37.17.050, 37.17.060, 37.17.070, 37.17.080, 37.17.090, 37.17.100, 37.17.110, 37.17.200"

Insert "AS 37.17.200"

Page 9, lines 20 - 21:

Delete "37.17.400, 37.17.410, 37.17.420, 37.17.430, 37.17.440;
AS 39.25.110(25); and AS 44.99.030(a)(11)"

Insert "and 37.17.440"

Page 9, line 23, following "appropriation,":

Insert "and notwithstanding AS 37.17.010 - 37.17.110 and
37.17.400 - 37.17.430,"

Page 9, line 24:

Delete "former"

Page 10, lines 7 - 8:

Delete ", as those statutes appeared on the day before the effective
date of this Act,"

Page 10, line 8:

Delete "former"

Page 10, line 9:

Delete "former"

Page 10, line 11:

Delete "former"

Page 10, line 13:

Delete "former"

Page 10, line 16:

Delete "AS 37.17.090(g), 37.17.230 - 37.17.330"

Insert "AS 37.17.230 - 37.17.330"

Page 10, line 17, following "Act,":

Insert "and AS 37.17.090(g)"

Page 10, line 19:

Delete "those former statutes"

Insert "AS 37.17.090(g) and former 37.17.230 - 37.17.330,
37.17.350, and 37.17.390"

Page 10, line 21:

Delete "former AS 37.17.090(g)"

Insert "AS 37.17.090(g)"

Page 10, following line 25:

Insert a new subsection to read:

"(e) Notwithstanding AS 37.17.010 - 37.17.110 and 37.17.400 - 37.17.430, the Alaska Science and Technology Foundation is not authorized to have members on its board, to have meetings, to have an executive director or other staff, to receive money unless by appropriation, or to perform any other functions, except as otherwise expressly allowed under this Act."

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

Representative Chenault objected.

Representative Harris placed a call of the House and lifted the call.

Representative Gruenberg placed a call of the House and lifted the call.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

SB 173(efd fld)--RECONSIDERATION

Second Reading

Amendment No. 1

YEAS: 14 NAYS: 22 EXCUSED: 2 ABSENT: 2

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Heinze, Joule, Kerttula, Kott, McGuire, Moses

Nays: Chenault, Coghill, Fate, Foster, Gatto, Harris, Hawker, Holm, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Dahlstrom, Kohring

Absent: Kapsner, Kookesh

And so, Amendment No. 1 was not adopted.

Representative Gruenberg moved and asked unanimous consent that SB 173(efd fld) be returned to second reading for the specific purpose of considering Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representatives Gruenberg, Guttenberg, Cissna, Kerttula, Heinze, Joule, and Berkowitz:

* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to read:

"On January 1, 2008, all statutes repealed by this bill relating to the Alaska Science and Technology Foundation and the Alaska BIDCO assistance program are reenacted. The revisor of statutes shall implement this section by reestablishing in statute AS 37.17.010 - AS 37.17.390 as they existed on January 1, 2004, together with any necessary technical amendments to other provisions of law."

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

Objection was heard.

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

SB 173(efd fld)--RECONSIDERATION

Second Reading

Amendment No. 2

YEAS: 14 NAYS: 22 EXCUSED: 2 ABSENT: 2

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Heinze, Joule, Kerttula, McGuire, Morgan, Moses

Nays: Chenault, Coghill, Fate, Foster, Gatto, Harris, Hawker, Holm, Kott, Lynn, Masek, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Dahlstrom, Kohring

Absent: Kapsner, Kookesh

And so, Amendment No. 2 was not adopted.

The question to be reconsidered: "Shall SB 173(efd fld) pass the House?" The roll was taken with the following result:

SB 173(efd fld)--RECONSIDERATION

Third Reading

Final Passage

YEAS: 23 NAYS: 13 EXCUSED: 2 ABSENT: 2

Yeas: Anderson, Chenault, Coghill, Fate, Foster, Gatto, Harris, Hawker, Holm, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Heinze, Joule, Kerttula, Kott, Moses, Rokeberg

Excused: Dahlstrom, Kohring

Absent: Kapsner, Kookesh

And so, SB 173(efd fld) passed the House on reconsideration, was signed by the Speaker and Chief Clerk and returned to the Senate.

Representative Hawker, who had been previously excused (page 2388), left the Chamber.

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 - Commander Sergio D.B. Cerda

By Senator Gary Stevens; Representatives Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson

In Memoriam - Gail Marie (Rabideau) Levesque
By Senator Green; Representatives Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson

UNFINISHED BUSINESS

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

Representative Morgan - from a.m., plane time, January 27 to p.m., plane time, January 31, 2004

HCR 15

Representative Crawford added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 15

Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to the introduction of measures; and providing for an effective date for the amendments.

HB 237

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 237

"An Act relating to introduction of measures in the legislature; and providing for an effective date."

HB 350

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 350

"An Act relating to adding personal injury, death, and property damage from arson in the first degree to the offenses compensable by the Violent Crimes Compensation Board."

HB 351

Representatives Meyer and Guttenberg added their names as cosponsors to:

HOUSE BILL NO. 351

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

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., January 28, 2004. There being no objection, the House adjourned at 12:58 p.m.

Suzi Lowell
Chief Clerk