

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

February 9, 2004

#### Twenty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 11:02 a.m.

Roll call showed 32 members present. Representatives Chenault, Fate, Gruenberg, Morgan, and Rokeberg had been previously excused from a call of the House today.

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 Crawford - today

Representative Wolf - from today to morning plane time, February 13, 2004

Representative Heinze - from today to 9:30 p.m., plane time, February 15, 2004

Representative Stepovich - from 9:00 p.m., today, to morning plane time, February 16, 2004

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

With respect for all religions and beliefs that are represented here today, I would like to offer this prayer.

Our Father in Heaven, we ask for Thy spirit to be with us this day, to bless us with Thy calming influence, and to strengthen our minds and bodies that we might think clearly. Father, we ask Thy guidance as we work together on issues of concerns to our great state. We ask for guidance in articulating our thoughts and tolerance with each other as we remember the many backgrounds and experiences that we have all come from. Father, help us to see and appreciate the differences we all have while at the same time standing firm in our beliefs. We are honored to be able to serve this great state. We love Alaska and want this to be an even greater state for our children and grandchildren. We ask Thee to watch over and protect our families while we are away from them. Bless them for their support. Please bless the men and women of the military who are defending our freedoms. We are most grateful to them for the sacrifices they are making for us. Father, again we ask Thy guiding spirit to be with us this day, and we thank Thee for our many blessings. This is our prayer, in the name of Jesus Christ, 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 25th, 26th, 27th, and 28th legislative days and the Senate and House Joint Journal Supplement No. 12 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

\* \* \* \* \*

Representative Coghill introduced Jodi Irvine, Laura Broderick, and Mary Thomas, Guest Pages, from North Pole.

**MESSAGES FROM THE GOVERNOR**

A letter dated February 5, 2004, was read stating that, in accordance with AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the boards and commissions set out below.

The Speaker referred the following to the Judiciary Committee:

**Board of Governors of the Alaska Bar**

Mr. Joseph N. Faulhaber of Fairbanks  
Appointed: 7/29/2003  
Term Expires: 3/1/2005

**Violent Crimes Compensation Board**

Dr. David G. Ingraham of Anchorage  
Appointed: 7/16/2003  
Term Expires: 3/1/2006

The Speaker referred the following to the Labor & Commerce Committee:

**Alcoholic Beverage Control Board**

Mr. Billy (William) G. Andrews of Anchorage  
Appointed: 7/29/2003 Reappointed: 11/19/2003  
Term Expires: 3/1/2006

Ms. Gail M. Niemi of Juneau  
Appointed: 12/10/2003  
Term Expires: 3/1/2006

**Board of Chiropractic Examiners**

Dr. R. Clark Davis of Ketchikan  
Appointed: 11/14/2001 Reappointed: 1/16/2004  
Term Expires: 3/1/2008

**Board of Dental Examiners**

Ms. Mary Ann Cerney of Fairbanks  
Appointed: 8/3/1999 Reappointed: 7/29/2003  
Term Expires: 3/1/2007

Dr. Arne R. Pihl of Ketchikan  
Appointed: 5/28/2003  
Term Expires: 3/1/2007

**Alaska Labor Relations Agency**

Mr. Randall C. Frank of Fairbanks  
Appointed: 7/16/2003  
Term Expires: 3/1/2006

**Board of Marine Pilots**

Mr. Anthony (Tony) J. Joslyn of Anchor Point  
Appointed: 12/29/2000 Reappointed: 7/29/2003  
Term Expires: 3/1/2007

Mr. Robert (Tiny) Schasteen of Dutch Harbor  
Appointed: 1/16/2004  
Term Expires: 3/1/2007

**State Medical Board**

Dr. Robert A. Breffeilh of Juneau  
Appointed: 4/25/2003 Reappointed: 1/16/2004  
Term Expires: 3/1/2008

Dr. John T. Duddy of Anchorage  
Appointed: 3/1/2004  
Term Expires: 3/1/2008

Dr. G. Bert Flaming of Glennallen  
Appointed: 2/12/2003 Reappointed: 1/16/2004  
Term Expires: 3/1/2008

Dr. David M. Head of Nome  
Appointed: 3/27/2001 Reappointed: 1/16/2004  
Term Expires: 3/1/2008

Mr. Michael J. Tauriainen of Soldotna  
Appointed: 5/28/2003 Reappointed: 1/16/2004  
Term Expires: 3/1/2008

**Board of Certified Direct-Entry Midwives**

Dr. Mark E. Richey of Anchorage

Appointed: 2/20/1997 Reappointed: 1/19/2000

Reappointed: 8/25/2003 Term Expires: 3/1/2007

**Board of Nursing**

Ms. Patricia M. Swenson of Anchorage

Appointed: 1/16/2004

Term Expires: 3/1/2007

**Personnel Board**

Ms. Debra E. English of Anchorage

Appointed: 1/8/2004

Term Expires: 3/1/2008

**Board of Pharmacy**

Ms. Cindy Bueler of Anchorage

Appointed: 6/5/2000 Reappointed: 1/16/2004

Term Expires: 3/1/2008

Captain Gary M. Givens of Anchorage

Appointed: 3/1/2004

Term Expires: 3/1/2008

Mr. Michael Pauley of Eagle River

Appointed: 3/25/2003 Reappointed: 1/16/2004

Term Expires: 3/1/2008

**Board of Certified Real Estate Appraisers**

Ms. Nelida Irvine of Anchorage

Appointed: 5/28/2003

Term Expires: 3/1/2007

Mr. Gene H. Shafer of Fairbanks

Appointed: 3/1/2004

Term Expires: 3/1/2008

**Real Estate Commission**

Mr. Lawrence (Larry) J. Bauer of Juneau  
Appointed: 11/24/2003  
Term Expires: 3/1/2005

Mr. Glenn Clary of Anchorage  
Appointed: 12/10/2003 Reappointed: 3/1/2004  
Term Expires: 3/1/2008

Ms. Rita C. Stuckart of Anchorage  
Appointed: 11/24/2003 Reappointed: 3/1/2004  
Term Expires: 3/1/2008

**Board of Veterinary Examiners**

Dr. David J. Hunt of Sitka  
Appointed: 5/28/2003  
Term Expires: 3/1/2007

The Speaker referred the following to the Resources Committee:

**Alaska Commercial Fisheries Entry Commission**

Commissioner Frank M. Homan of Juneau  
Appointed: 9/2/2003  
Term Expires: 3/1/2007

**Alaska Oil and Gas Conservation Commission**

Mr. John K. Norman of Anchorage  
Appointed: 1/23/2004  
Term Expires: 3/1/2009

**Alaska Royalty Oil and Gas Development Advisory Board**

Mr. Charles E. Cole of Fairbanks  
Appointed: 6/2/2003  
Term Expires: 3/1/2007

Mr. Kenneth O. Stout of Anchorage  
Appointed: 6/5/2003  
Term Expires: 3/1/2005

Resumes for the appointments are on file in the Chief Clerk's office.

**MESSAGES FROM THE SENATE**

A message dated February 6, 2004, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 270**

SENATE BILL NO. 270 by Senators Green, Wilken, Cowdery, Ben Stevens, Ogan, French, Dyson, Gary Stevens, Wagoner, Seekins, Elton, and Therriault, entitled:

"An Act establishing November as Avalanche Awareness Month."

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

**COMMUNICATIONS**

The following was received:

Dept. of Administration  
Division of Personnel  
Equal Employment Opportunity Program  
Annual Report 2003  
February 15, 2004  
(as required by AS 39.28.020)

**REPORTS OF STANDING COMMITTEES****HB 213**

The Transportation Committee has considered:

HOUSE BILL NO. 213

"An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 213(TRA)  
(same title)

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

No recommendation (6): Kapsner, Kookesh, Masek, Ogg, Stepovich, Holm

Amend (1): Kohring

The following fiscal note(s) apply to CSHB 213(TRA):

1. Fiscal, Dept. of Administration

HB 213 was referred to the Labor & Commerce Committee.

**HB 241**

The State Affairs Committee has considered:

HOUSE BILL NO. 241

"An Act relating to optional exemptions from municipal property taxes on residential property."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 241(STA)  
(same title)

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

Do pass (3): Gruenberg, Lynn, Seaton

No recommendation (2): Berkowitz, Weyhrauch

The following fiscal note(s) apply to CSHB 241(STA):

2. Zero, Dept. of Community & Economic Development  
3. Indeterminate, Dept. of Revenue

HB 241 was referred to the Rules Committee for placement on the calendar.



**HB 337**

The Health, Education & Social Services Committee has considered:

## HOUSE BILL NO. 337

"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, and to motor vehicle licenses and registrations."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 337(HES)

"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to an anatomical gift awareness program, to motor vehicle licenses and registrations, and to state identification cards."

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

Do pass (4): Gatto, Wolf, Seaton, Wilson

The following fiscal note(s) apply to CSHB 337(HES):

1. Zero, Dept. of Health & Social Services

HB 337 was referred to the Finance Committee.

**HB 378**

The Health, Education & Social Services Committee has considered:

## HOUSE BILL NO. 378

"An Act relating to the Alaska Food, Drug, and Cosmetic Act, including sales, advertising, certain devices, food donors, and food banks; making certain violations of organic food provisions and of the Alaska Food, Drug, and Cosmetic Act unfair methods of competition and unfair or deceptive acts or practices under certain of the state's unfair trade practices and consumer protection laws; and providing for an effective date."

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

Do pass (2): Seaton, Wilson

Do not pass (1): Wolf

No recommendation (2): Gatto, Coghill

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Fiscal, Dept. of Environmental Conservation

HB 378 was referred to the Judiciary Committee.

**HB 387**

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 387

"An Act relating to fines for offenses committed within school zones."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 387(CRA)

"An Act relating to fines for moving motor vehicle or traffic offenses committed within highway work or school zones; and providing for an effective date."

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

Do not pass (1): Kott

No recommendation (2): Samuels, Wolf

Amend (1): Morgan

The following fiscal note(s) apply to CSHB 387(CRA):

1. Zero, Dept. of Public Safety
2. Zero, Dept. of Transportation & Public Facilities

HB 387 was referred to the Transportation Committee.

#### **INTRODUCTION OF CITATIONS**

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

Honoring - USA Hockey Tier I Pee Wee National Tournament  
By Senator Wilken

In Memoriam - Michael Kronowitz  
By Representative Crawford

In Memoriam - Officer John Patrick Watson, Kenai Police Department  
By Representative Wolf

In Memoriam - Nona Hubley Campbell  
By Senator Gary Stevens; Representative Ogg

In Memoriam - R.B. Jackson  
By Senator Gary Stevens; Representative Seaton

In Memoriam - Walter Steciw  
By Senator Gary Stevens; Representative Seaton

In Memoriam - Don Nelson Bunker  
By Senator Gary Stevens; Representative Seaton

In Memoriam - Michael Demchenko  
By Senator Gary Stevens; Representative Seaton

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

Honoring - Tom Wardleigh  
By Senator Olson

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS**

**HB 54**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 54 by Representative Lynn, entitled:

"An Act relating to the crime of assault."

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

**HB 442**

HOUSE BILL NO. 442 by the House Rules Committee by request of the Legislative Budget and Audit Committee, entitled:

"An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date."

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

**HB 443**

HOUSE BILL NO. 443 by Representative Kerttula, entitled:

"An Act relating to eligibility of nurses for the teachers' and nurses' housing loan program of the Alaska Housing Finance Corporation."

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

**HB 444**

HOUSE BILL NO. 444 by Representative Wilson, entitled:

"An Act relating to direct marketing fisheries businesses, to the fisheries business tax, and to liability for payment of taxes and assessments on the sale or transfer of fishery resources; and providing for an effective date."

was read the first time and referred to the House Special Committee on Fisheries and the Resources and Finance Committees.

**HB 445**

HOUSE BILL NO. 445 by Representative McGuire, entitled:

"An Act relating to an attorney's lien, to court actions, and to other proceedings where attorneys are employed."

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

**HB 446**

HOUSE BILL NO. 446 by Representative Berkowitz, entitled:

"An Act imposing transfer fees for transfers of interests in oil and gas leases; and providing for an effective date."

was read the first time and referred to the House Special Committee on Ways & Means, the House Special Committee on Oil & Gas, and the Finance Committee.

**HB 447**

HOUSE BILL NO. 447 by the House Rules Committee by request of the Legislative Council, entitled:

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

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

**HB 448**

HOUSE BILL NO. 448 by Representatives Crawford, Croft, Guttenberg, and Gara, entitled:

"An Act relating to amending reporting requirements for contributions to groups; to limitations on the amount of political contributions by individuals and groups; amending the definition of the term 'lobbyist' in the Regulation of Lobbying Act;

amending the requirement for the reporting of financial interests by certain public officials in the legislative branch; and providing for an effective date."

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

**HB 449**

HOUSE BILL NO. 449 by Representatives Harris by request and McGuire, entitled:

"An Act relating to the contracting and financing authority of the Alaska Industrial Development and Export Authority; authorizing the authority to issue bonds in a principal amount not to exceed \$76,000,000 to finance the acquisition, design, construction, inventory, and operation of natural gas, propane air, or manufactured gas public utility facilities; and providing for an effective date."

was read the first time and referred to the House Special Committee on Economic Development, International Trade, & Tourism and the Labor & Commerce and Finance Committees.

\*\*Representative Berkowitz, who had been previously excused (page 2497), left the Chamber.

**HB 450**

HOUSE BILL NO. 450 by the House Rules Committee by request of the Governor, entitled:

"An Act providing for a special deposit for workers' compensation insurers; relating to the board of governors of the Alaska Insurance Guaranty Association; relating to covered workers' compensation claims paid by the Alaska Insurance Guaranty Association; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to restructuring the Alaska workers' compensation system; eliminating the Alaska Workers' Compensation Board; establishing a division of workers' compensation within the

Department of Labor and Workforce Development and assigning certain Alaska Workers' Compensation Board functions to the division and the Department of Labor and Workforce Development; establishing a Workers' Compensation Appeals Commission; assigning certain functions of the Alaska Workers' Compensation Board to the Workers' Compensation Appeals Commission; relating to agreements that discharge workers' compensation liability; providing for hearing officers in workers' compensation proceedings; relating to workers' compensation awards; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to assigned risk pools and insurers; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development
2. Zero, Dept. of Law
3. Fiscal, Dept. of Labor & Workforce Development

The Governor's transmittal letter dated February 6, 2004, follows:

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the workers' compensation system. This bill relieves employers and employees of the "administrative burden" present in our workers' compensation system. The current accumulation of rules, procedures, and appeal processes increases costs for employers and insurers, delays resolution of claims for employees, and makes the Alaska workers' compensation

insurance market difficult for existing insurers and unattractive to new insurers. A recent Alaska Supreme Court case illustrates the problem. It took 1,400 days from filing of the claim to a decision by the Alaska Supreme Court in *Bradbury v. Chugach Electric Assn.*, No. S-10532 (Alaska 6/20/2003). This is far too long to wait for resolution of a claim.

This bill reduces the administrative burden of the system by eliminating the present system of hearings and appeals. For years, there have been concerns that hearings before the Alaska Workers' Compensation Board (Board) are not accomplished quickly or consistently. The Legislature has been forced to take a number of steps, including: increasing the number of members of the Board; increasing the number of panels actually hearing cases (composed of one appointee representing labor, one appointee representing management, and a hearing officer); and increasing the number of hearing officers.

The current size of the Board with 14 members and the commissioner of the Department of Labor and Workforce Development far outstrips the single three-member Board originally created by the Legislature and makes assembly as a body (for purposes of meetings and approving regulations) difficult. While I recognize and appreciate the dedication, public service, and hard work the Board members provide, many members lack even a general legal training and background, much less specialized knowledge of workers' compensation law.

Similarly, over the years the number of Board hearing panels have steadily increased in order to partially address concerns about their availability for frequent hearings. The unwanted side effect is a lack of consistency and predictability of decisions. Currently, there are more than 300 combinations of panel members and hearing officers deciding claims. On appeal, any one of the numbers of superior court judges assigned to hear workers' compensation appeals would rule on the relevant panel's decision. The losing party may then appeal to the Alaska Supreme Court as a matter of right and no deference is given to the Superior Court's decision. These sources of variation in the interpretation of the Alaska Workers' Compensation Act have multiplied in the last years, and have led to inconsistent, unpredictable



rulings. There is no doubt. Alaska needs a consistent and predictable system for resolving disputed workers' compensation claims.

This bill replaces the old system with three new components, all of which will bring more predictability and consistency to the system: (1) a Workers' Compensation Appeals Commission (Commission); (2) experienced hearing officers; and (3) additional administrative authority and duties vested in the director of the division. In fact, the only change to benefits made in the entire bill is "capping" out-of-state claimants' benefits to the amount received by in-state claimants. Under current statutes, if a claimant resides out of state, the claimant's compensation rate would be adjusted upward or downward based on the cost of living where the claimant resides. The bill "caps" the cost-of-living adjustment for those claimants residing in a locality that has a higher cost of living than does Alaska. Under the bill, if a claimant resides in a higher cost-of-living locality, the claimant would receive the same benefits that the claimant would have received if the claimant resided in Alaska. Otherwise, no attempt is made to alter benefits available to injured workers or to disrupt the delivery of benefits.

The Commission replaces the Superior Court at the appellate level. The Commission would be composed of three attorneys who are members in good standing of the Alaska Bar Association. These individuals would have significant experience in Alaska workers' compensation law and their sole job would be to decide workers' compensation claims. The Commission will produce decisions that will be legal precedent until and unless overturned on appeal by the Alaska Supreme Court.

Initial hearings on disputed claims would be conducted by hearing officers. Hearing officers would be attorneys licensed to practice in Alaska with significant experience in workers' compensation law. These hearing officers would have the benefit of some minor procedural improvements designed to aid the parties in reaching a prompt adjudication of the claims. Costs currently associated with continuing to a hearing in cases that ought to be dismissed or summarily decided will be reduced. Consistency and predictability in the system will be improved. Costs and delays in resolving employees' claims are reduced without changing benefits available to injured workers.

This bill also brings new duties and accountability to the administration of the system by the department. Currently, the director has little authority to act since all power rests in the Board. This bill would establish a Division of Workers' Compensation in the department. The director, (appointed by the commissioner) would be personally accountable for the performance of the division. The director would have expanded authority to administer the second injury fund (AS 23.30.040), obtain stop-work orders, investigate uninsured employers, seek civil penalties for an employer's failure to insure workers, propose regulations to the commissioner, intervene in cases and file appeals, supervise rehabilitation of injured workers, and administer the Alaska Workers' Compensation Act. The director's formal decisions may be appealed to the Commission.

The bill also provides a powerful tool to further the department's current approach of "zero tolerance" for employers that fail to carry legally required workers' compensation liability insurance. Under this bill, the department gains authority to levy civil penalties against employers whose choice to operate without the required insurance coverage places their employee's financial and physical well-being at risk. They also gain an unfair competitive advantage over the employers who act responsibly by complying with the law and purchasing the necessary insurance.

The bill would also revise AS 21, the insurance code, regarding how the state regulates the insurance industry in the provision of workers' compensation insurance. Under the bill, insurers that transact workers' compensation insurance in this state would be required to maintain in the state a special deposit of cash or securities for the protection of persons in this state covered under workers' compensation insurance. This revision would provide additional financial protection for Alaskan workers in the event that workers' compensation insurer becomes insolvent and unable to pay claims.

The composition of the Board of Governors of the Alaska Insurance Guaranty Association would be modified under the bill to include representatives from management, labor, and insurance licensees. This change would expand the expertise of the Board of Governors to

better address workers' compensation issues. The bill provides transition provisions to allow for the initial appointment of members to meet the new statutory standards.

Finally, the bill would repeal AS 21.39.155(c), to ensure that the assigned risk pool for workers' compensation operates as a self-funded mechanism. Under existing law, the pool is not fully self-funded. This additional burden on insurance companies is a factor making the Alaska workers' compensation insurance market unattractive to insurers. Eliminating the cap on the assigned risk pool surcharge may improve the deposit of cash or securities for the protection of persons in this Alaska market for companies and ensure consumers have access to insurance coverage.

This bill represents a major step forward to addressing the significant workers' compensation crisis in Alaska. The bill would rationalize the process for making workers' compensation decisions in this state. This should make Alaska more attractive for businesses to remain here or to relocate their operations to this state.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor"

## CONSIDERATION OF THE DAILY CALENDAR

### SECOND READING OF HOUSE BILLS

#### **HB 373**

The following was read the second time:

#### HOUSE BILL NO. 373

"An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments."

with the:	Journal Page
STA RPT 2DP 3NR	2357
FN1: ZERO(ADM)	2357

Representative Coghill moved and asked unanimous consent that HB 373 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 373 was read the third time.

The question being: "Shall HB 373 pass the House?" The roll was taken with the following result:

HB 373  
Third Reading  
Final Passage

**YEAS: 30 NAYS: 0 EXCUSED: 9 ABSENT: 1**

Yeas: Anderson, Cissna, Coghill, Croft, Dahlstrom, Foster, Gara, Gatto, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Moses, Ogg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson

Excused: Berkowitz, Chenault, Crawford, Fate, Gruenberg, Heinze, Morgan, Rokeberg, Wolf

Absent: Guttenberg

And so, HB 373 passed the House and was referred to the Chief Clerk for engrossment.

## SECOND READING OF SENATE BILLS

### SB 56

The following was read the second time:

CS FOR SENATE BILL NO. 56(FIN)

"An Act relating to sport fishing license fees and anadromous king salmon tag fees for residents of Yukon, Canada; and providing for an effective date."

HOUSE JOURNAL

February 9, 2004

2549

with the:

Journal Page

RES RPT 5DP 2NR	1628
FN1: (DFG)	1628
FIN RPT HCS(FIN) 8DP 2NR	2480
FN2: (DFG)	2480

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

HOUSE CS FOR CS FOR SENATE BILL NO. 56(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 56(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 56(FIN) was read the third time.

The question being: "Shall HCS CSSB 56(FIN) pass the House?"  
The roll was taken with the following result:

HCS CSSB 56(FIN)  
Third Reading  
Final Passage

**YEAS: 30 NAYS: 0 EXCUSED: 9 ABSENT: 1**

Yeas: Anderson, Cissna, Coghill, Croft, Dahlstrom, Foster, Gara, Gatto, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Moses, Ogg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson

Excused: Berkowitz, Chenault, Crawford, Fate, Gruenberg, Heinze, Morgan, Rokeberg, Wolf

Absent: Guttenberg

And so, HCS CSSB 56(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 CSSB 56(FIN) 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 - National Senior Service Corps

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

Honoring - William G. Moran, Sr. & William G. Moran, Jr.

By Senator Stedman; Representatives Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson, Wolf

In Memoriam - Wanita J. Conley

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

**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 Guttenberg - from 1:00 p.m., February 9 to 9:30 p.m., February 12, 2004

Representative Kookesh - from noon, February 10 to 9:30 a.m., February 12, 2004

Representative Cissna - from noon, February 11 to 10:00 p.m., February 15, 2004

Representative Anderson - from morning plane time, February 12 to evening plane time, February 15, 2004

Representative Williams - from 9:00 a.m., February 12 to 12:30 p.m., February 17, 2004

Representative Gatto - from 6:00 p.m., February 12 to 8:00 p.m., February 15, 2004

Representative Gara - from 8:00 a.m., February 13 to 9:30 p.m., February 16, 2004

Representative Fate - from 9:38 p.m., February 12 to morning plane time, February 15, 2004

**HB 213**

The Speaker added a Finance Committee referral to follow the Labor & Commerce Committee referral for the following:

**HOUSE BILL NO. 213**

"An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date."

HB 213 is in the Labor & Commerce Committee.

**HB 241**

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 241

"An Act relating to optional exemptions from municipal property taxes on residential property."

HB 241 was removed from the Rules Committee and referred to the Finance Committee.

**HB 378**

The Speaker added a Finance Committee referral to follow the Judiciary Committee referral for the following:

HOUSE BILL NO. 378

"An Act relating to the Alaska Food, Drug, and Cosmetic Act, including sales, advertising, certain devices, food donors, and food banks; making certain violations of organic food provisions and of the Alaska Food, Drug, and Cosmetic Act unfair methods of competition and unfair or deceptive acts or practices under certain of the state's unfair trade practices and consumer protection laws; and providing for an effective date."

HB 378 is in the Judiciary Committee.

**HB 423**

The Speaker reversed the committee referrals for the following:

HOUSE BILL NO. 423

"An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage; and providing for an effective date."

HB 423 was removed from the Judiciary Committee and referred to the State Affairs Committee with a further referral to the Judiciary Committee.



**SPECIAL ORDER OF BUSINESS**

Representative Coghill moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - Tom Wardleigh, 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 - Tom Wardleigh

By Senator Olson; Representatives Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Croft, Dahlstrom, Gara, Gatto, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Ogg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson

**SB 56**

Representative Lynn added his name as cross sponsor to:

HOUSE CS FOR CS FOR SENATE BILL NO. 56(FIN)

"An Act relating to sport fishing license fees and anadromous king salmon tag fees for residents of Yukon, Canada; and providing for an effective date."

**SB 270**

Representative Samuels added his name as cross sponsor to:

SENATE BILL NO. 270

"An Act establishing November as Avalanche Awareness Month."

**ENGROSSMENT****HB 373**

HB 373 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HOUSE JOURNAL

2554

February 9, 2004

**SB 56**

HCS CSSB 56(FIN) 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.

Majority Caucus	Speaker's Chamber	upon adj., 2/9
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Valley Caucus	Capitol 507	noon, 2/9
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**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 12, 2004, for a technical session. There being no objection, the House adjourned at 12:03 p.m.

Suzi Lowell  
Chief Clerk