

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

March 8, 2004

#### Fifty-seventh Day

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

Roll call showed 35 members present. Representative McGuire had been previously excused from a call of the House today. Representative Anderson had been previously excused from a call of the House to morning plane time today. Representative Kerttula was absent and her presence was noted later. Representative Moses was absent and later excused.

Representative Coghill moved and asked unanimous consent that Representative Heinze be excused from a call of the House from today to 2:00 p.m., March 15, 2004. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Pastor Robert Sherwood of Church of the Nazarene. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Hear the words of the Psalmist, "Though a mighty army surrounds me my heart will know no fear."

God, give these men and women the marvelous triumph of grace to stand before an advancing army of adverse circumstances and not be afraid. The fact of the matter is we are very prone to be confounded by magnitude. We are distracted. We lose our balance. We see things out of their perspective and in these matters of disproportion is death. We

ought to be able to keep a quiet eye when armies bear down upon us. We ought to fear nothing but God. This is the supreme triumph. The Lord proves us on dark and cloudy days like the one outside. Our vigor is revealed in the tempest. We are manifest by the very enemy who came to destroy us. The menace leads us more deeply into the treasures of grace. Our temptations unlock our resources. Our sorrows discover for us consolations of the everlasting life. And, therefore, though a mighty enemy surrounds me my heart will know no fear. Encourage these, Your children, to the glory of almighty God, the Lamb, and the Holy Spirit. Amen.

The Pledge of Allegiance was led by Representative Foster.

### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 54th, 55th, and 56th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

#### **SB 56**

A message dated March 5, 2004, 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:

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."

Chapter No. 4, SLA 2004

Effective Date: January 1, 2005

**SB 183**

A message dated March 5, 2004, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR SENATE BILL NO. 183(STA)

"An Act authorizing certain boroughs to use revenue collected on an areawide or nonareawide basis for economic development."

Chapter No. 5, SLA 2004

Effective Date: June 3, 2004

**MESSAGES FROM THE SENATE**

Messages dated March 4 and March 5, 2004, were read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE RESOLUTIONS****SJR 27**

SENATE JOINT RESOLUTION NO. 27 by Senators Seekins, Therriault, Wilken, Ogan, Cowdery, Stedman, Dyson, Ben Stevens, and Wagoner:

Relating to the resolution of submerged land title disputes.

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

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 190**

CS FOR SENATE BILL NO. 190(STA) by the Senate State Affairs Committee, entitled:

"An Act adding certain state-owned land and water to the Kenai River Special Management Area; relating to the mineral estate of the state-owned land and water in the Kenai River Special Management Area; relating to the Kenai River Special Management Area advisory board; and providing for an effective date."

was read the first time and referred to the Community & Regional Affairs and Resources Committees.

**SB 203**

CS FOR SENATE BILL NO. 203(FIN) am by the Senate Finance Committee, entitled:

"An Act relating to administrative hearings, to hearing officers, and to administrative law judges; establishing the office of administrative hearings and relating to that office; and providing for an effective date."

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

**SB 295**

SENATE BILL NO. 295 by Senators Therriault, Dyson, Ogan, Cowdery, Stedman, Wilken, Green, Seekins, Wagoner, Bunde, Ben Stevens, and Gary Stevens, entitled:

"An Act extending the termination date of the Navigable Waters Commission for Alaska; and providing for an effective date."

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

**SB 299**

SENATE BILL NO. 299 by the Senate Labor & Commerce Committee, entitled:

"An Act relating to a charge for a bad check."

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

**SB 305**

SENATE BILL NO. 305 by Senators Therriault, Dyson, Ogan, Stedman, Cowdery, Bunde, Wilken, Green, Seekins, and Wagoner, entitled:

"An Act relating to state ownership of submerged land underlying water that was navigable at the time Alaska achieved statehood."

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

**COMMUNICATIONS**

The following were received:

Dept. of Administration  
Office of the Commissioner  
Monetary Terms of Agreement between the  
State and Public Employees Local 71 representing  
the Labor, Trades and Crafts Bargaining Unit  
March 4, 2004  
(as required by AS 23.40.215)

The Speaker referred the report to the Finance Committee.

Dept. of Health & Social Services  
Division of Public Health  
and  
Dept. of Education & Early Development  
Division of Teaching and Learning Support  
Alaska Youth Risk Behavior Study 2003

Dept. of Revenue  
Treasury Division  
Annual Report on the Constitutional  
Budget Reserve Fund  
March 2, 2004  
(as required by AS 37.10.430)

**REPORTS OF STANDING COMMITTEES**

The Labor & Commerce Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Mr. Billy (William) G. Andrews  
Ms. Gail M. Niemi

as members of the Alcoholic Beverage Control Board.

Dr. R. Clark Davis

as a member of the Board of Chiropractic Examiners.

Ms. Mary Ann Cerney  
Dr. Arne R. Pihl

as members of the Board of Dental Examiners.

Mr. Randall C. Frank

as a member of the Alaska Labor Relations Agency.

Mr. Anthony (Tony) J. Joslyn  
Mr. Robert (Tiny) Schasteen

as members of the Board of Marine Pilots.

Dr. Robert A. Breffeilh  
Dr. John T. Duddy  
Dr. G. Bert Flaming  
Dr. David M. Head  
Mr. Michael J. Tauriainen

as members of the State Medical Board.

Dr. Mark E. Richey

as a member of the Board of Certified Direct-Entry Midwives.

Ms. Patricia M. Swenson

as a member of the Board of Nursing.

Ms. Debra E. English

as a member of the Personnel Board.

Ms. Cindy Bueler  
Captain Gary M. Givens  
Mr. Michael Pauley

as members of the Board of Pharmacy.

Ms. Nelida Irvine  
Mr. Gene H. Shafer

as members of the Board of Certified Real Estate Appraisers.

Mr. Lawrence (Larry) J. Bauer  
Mr. Glenn Clary  
Ms. Rita C. Stuckart

as members of the Real Estate Commission.

Dr. David J. Hunt

as a member of the Board of Veterinary Examiners.

The reports were signed by Representative Anderson, Chair; and Representatives Crawford, Lynn, Rokeberg, Dahlstrom, Guttenberg, and Gatto.

**HB 342**

The Judiciary Committee has considered:

HOUSE BILL NO. 342

"An Act relating to driving while intoxicated; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 342(JUD)

"An Act relating to driving while under the influence, to alcohol-related offenses, to ignition interlock devices, and to the issuance of limited driver's licenses; and providing for an effective date."

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

Do pass (3): Anderson, Gruenberg, McGuire

No recommendation (4): Holm, Gara, Samuels, Ogg

The following fiscal note(s) apply to CSHB 342(JUD):

1. Zero, Alaska Court System
2. Zero, Dept. of Law
3. Zero, Dept. of Public Safety
4. Indeterminate, Dept. of Administration
5. Indeterminate, Dept. of Corrections

HB 342 was referred to the Rules Committee for placement on the calendar.

**HB 422**

The State Affairs Committee has considered:

## HOUSE BILL NO. 422

"An Act repealing the special subaccount established in the constitutional budget reserve fund; relating to the powers of the Department of Revenue for the investment of amounts in the constitutional budget reserve fund; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 422(STA)

"An Act repealing the special subaccount established in the constitutional budget reserve fund; and providing for an effective date."

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

Do pass (4): Gruenberg, Seaton, Holm, Lynn

No recommendation (1): Weyhrauch

The following fiscal note(s) apply to CSHB 422(STA):

1. Fiscal, Dept. of Revenue

HB 422 was referred to the Finance Committee.

**HB 424**

The Judiciary Committee has considered:

## HOUSE BILL NO. 424

"An Act relating to review of regulations under the Administrative Procedure Act by the Legislative Affairs Agency; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 424(JUD)

"An Act relating to review by the Legislative Affairs Agency of certain state agency regulations proposed for adoption, amendment, or repeal under the Administrative Procedure Act; repealing provisions relating to annulment of regulations; and providing for an effective date."

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

Do pass (5): Holm, Samuels, Gruenberg, Ogg, McGuire

No recommendation (1): Gara

The following fiscal note(s) apply to CSHB 424(JUD):

1. Zero, Dept. of Health & Social Services
2. Indeterminate, Dept. of Law
3. Fiscal, Legislative Agency

HB 424 was referred to the Rules Committee for placement on the calendar.

**HB 471**

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 471

"An Act relating to the funding of public education; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 471(EDU)  
(same title)

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

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

No recommendation (1): Cissna

Amend (1): Coghill

A House Health, Education & Social Services Committee letter of intent signed by Representative Wilson, Chair, follows:

"The HESS Committee acknowledges the importance of supporting education in the State of Alaska. Therefore, it is the consensus of the Committee that the base student allocation be increased from \$4,169 to \$4,379; and in each following year, beginning July 1, 2005, an increase in the base student allocation of two percent.

"The HESS Committee recognizes the need to identify sources of available funds for this increased education funding. We identify the remaining authorized Constitutional Budget Reserve (CBR) draw for 2004 and the Permanent Fund Earnings Reserve as sources that can be used for this education funding increase."

The following fiscal note(s) apply to CSHB 471(EDU):

1. Fiscal, Dept. of Education & Early Development

HB 471 was referred to the Finance Committee.

#### **INTRODUCTION OF CITATIONS**

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

In Memoriam - Mary Elizabeth Cesar  
By Senator Elton; Representatives Kerttula, Weyhrauch

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 532**

HOUSE BILL NO. 532 by the House Rules Committee by request of the Governor, entitled:

"An Act amending the definition of 'lobbyist' in the Regulation of Lobbying Act; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

The Governor's transmittal letter dated February 27, 2004, follows:

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill amending the definition of "lobbyist" in the Regulation of Lobbying Act (AS 24.45.011 to AS 24.45.181). Public involvement is an essential part of our democratic process and we should do what we can to promote citizen involvement. However, current law allows individuals to be compensated and attempt to influence legislators for 40 hours in a 30-day period, without complying with state reporting requirements.

I believe a 40-hour threshold allows too many people to fly "under the radar" and avoid the public disclosure requirements. By reducing the threshold to 20 hours, we will provide an adequate time for Alaskans to participate as interested citizens in the legislative process without inadvertently being designated as lobbyists. In addition, a 20-hour limit will continue the public's right to know which persons receiving some form of compensation for their time are attempting to influence legislators. The bill is also consistent with the position of the Alaska Public Offices Commission (APOC). APOC recommended a threshold limit of between 16 hours and 24 hours in a 30-day period.

I urge your prompt and favorable action on this bill.

Sincerely yours,  
/s/  
Frank H. Murkowski  
Governor"

**HB 533**

HOUSE BILL NO. 533 by the House State Affairs Committee, entitled:

"An Act relating to the state's administrative procedures and to judicial oversight of administrative matters."

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

**HB 534**

HOUSE BILL NO. 534 by the House Rules Committee by request of the Legislative Budget and Audit Committee, entitled:

"An Act extending the termination date of the office of victims' rights."

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

**HB 535**

HOUSE BILL NO. 535 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to liability for expenses of placement in certain mental health facilities; relating to the mental health treatment assistance program; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Fiscal, Dept. of Health & Social Services

The Governor's transmittal letter dated March 5, 2004, follows:

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill related to the mental health treatment assistance program. The bill would give the Department of Health and Social Services additional tools to control costs. Costs would be controlled by limiting financial assistance to persons meeting the eligibility criteria after registration. Registration would require contacting the department in a timely manner and supplying information on medical and financial need. The department would also gain some flexibility to reduce rates when there is a shortfall of funds.

I urge your support of this important bill.

Sincerely yours,  
/s/  
Frank H. Murkowski  
Governor"

## CONSIDERATION OF THE DAILY CALENDAR

### SECOND READING OF HOUSE BILLS

#### HB 344

The following was read the second time:

#### HOUSE BILL NO. 344

"An Act relating to annual rental fees for mining claims, and providing for reduced royalties during the first three years of production."

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with the:

Journal Page

|                            |      |
|----------------------------|------|
| RES RPT CS(RES) NT 7DP 2NR | 2738 |
| FN1: (DNR)                 | 2739 |
| FIN RPT CS(RES) NT 7DP 3NR | 2803 |
| FN2: (DNR)                 | 2804 |

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. 344(RES)

"An Act relating to annual rental fees, statements of annual labor, and production royalty for mining claims; and providing a cure for abandonment."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 344(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 344(RES) was read the third time.

The question being: "Shall CSHB 344(RES) pass the House?" The roll was taken with the following result:

CSHB 344(RES)

Third Reading

Final Passage

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

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Anderson, Heinze, McGuire

Absent: Kerttula, Moses

And so, CSHB 344(RES) passed the House and was referred to the Chief Clerk for engrossment.

## SECOND READING OF SENATE BILLS

### SB 63

The following was read the second time:

CS FOR SENATE BILL NO. 63(STA)

"An Act relating to transition provisions related to municipal mergers, consolidations, dissolutions, reclassifications, annexations, detachments, and incorporations; and relating to municipal property taxation in annexed, detached, and newly incorporated areas."

with the:

Journal Page

CRA RPT HCS(CRA) NT 2DP 2NR

2745

FN2: ZERO(CED)

2745

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. 63(CRA)

"An Act relating to municipal property taxation in annexed, detached, and newly incorporated areas."

(HCR 33 - title change resolution)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 63(CRA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 63(CRA) was read the third time.

\*\*The presence of Representative Kerttula was noted.

The question being: "Shall HCS CSSB 63(CRA) pass the House?"  
The roll was taken with the following result:

HCS CSSB 63(CRA)

Third Reading

Final Passage

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

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Anderson, Heinze, McGuire

Absent: Moses

And so, HCS CSSB 63(CRA) passed the House and was referred to the Chief Clerk for engrossment.

Representative Coghill moved and asked unanimous consent that Representative Moses be excused from a call of the House today. There being no objection, it was so ordered.

### THIRD READING OF SENATE BILLS

#### SB 283

The Speaker stated that, without objection, the following, which was not taken up from the March 5, 2004, calendar (page 2864), would be moved to the bottom of the calendar:

CS FOR SENATE BILL NO. 283(FIN)

"An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the

constitutional budget reserve fund; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

### SECOND READING OF HOUSE RESOLUTIONS

#### HCR 33

The following was read the second time:

#### HOUSE CONCURRENT RESOLUTION NO. 33

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 63, relating to municipal property taxation in annexed, detached, and newly incorporated areas.

The question being: "Shall HCR 33 pass the House?" The roll was taken with the following result:

HCR 33

Second Reading

Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Anderson, Heinze, McGuire, Moses

And so, HCR 33 passed the House and was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would recess to a call of the Chair; and so, the House recessed at 11:49 a.m.

### AFTER RECESS

The Speaker called the House back to order at 8:59 p.m.

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

### UNFINISHED BUSINESS

#### HB 233

The Speaker waived the Finance Committee referral for the following at the request of Representative Williams, Co-chair:

#### HOUSE BILL NO. 233

"An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date."

HB 233 is on today's first supplemental calendar.

Representative Coghill moved and asked unanimous consent that Representative Anderson be excused from a call of the House today to 10:30 a.m., March 9, 2004. There being no objection, it was so ordered.

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

### REPORTS OF STANDING COMMITTEES

#### HB 123

The Finance Committee has considered:

#### HOUSE BILL NO. 123

"An Act relating to the allocation of money appropriated to the Alaska Human Resource Investment Council; and providing for an effective date."

and recommends it be replaced with:

#### CS FOR HOUSE BILL NO. 123(FIN)

"An Act relating to the allocation of money appropriated to the Alaska Workforce Investment Board; and providing for an effective date."

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

Do pass (1): Moses

No recommendation (7): Meyer, Hawker, Stoltze, Croft, Chenault, Harris, Williams

Amend (1): Foster

The following fiscal note(s) apply to CSHB 123(FIN):

1. Zero, Dept. of Labor & Workforce Development

HB 123 was referred to the Rules Committee for placement on the calendar.

**HB 444**

The Resources Committee has considered:

HOUSE BILL NO. 444

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 444(FSH)  
(same title)

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

Do pass (1): Dahlstrom

Do not pass (1): Wolf

No recommendation (3): Lynn, Guttenberg, Masek

Amend (2): Gatto, Stepovich

The following fiscal note(s) apply to CSHB 444(FSH):

1. Fiscal, Dept. of Revenue

HB 444 was referred to the Finance Committee.

**HB 478**

The Resources Committee has considered:

HOUSE BILL NO. 478

"An Act relating to the issuance of commercial fishing interim-use permits; and providing for an effective date."

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

Do pass (5): Lynn, Gatto, Stepovich, Dahlstrom, Masek

No recommendation (2): Wolf, Guttenberg

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

HB 478 was referred to the Rules Committee for placement on the calendar.

**HB 516**

The State Affairs Committee has considered:

HOUSE BILL NO. 516

"An Act relating to a charge for a bad check."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 516(STA)  
(same title)

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

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

The following fiscal note(s) apply to CSHB 516(STA):

1. Zero, Dept. of Administration/Various Depts.

HB 516 was referred to the Judiciary Committee.

**SJR 26**

The Resources Committee has considered:

**CS FOR SENATE JOINT RESOLUTION NO. 26(RES)**

Requesting the United States Department of the Interior and the United States Department of Justice to appeal the decision of the United States Court of Appeals for the Ninth Circuit in *The Wilderness Society v. United States Fish and Wildlife Service* and to seek an emergency stay of the decision pending an appeal of the decision.

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

Do pass (6): Lynn, Gatto, Stepovich, Wolf, Masek, Dahlstrom

Do not pass (1): Guttenberg

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

CSSJR 26(RES) is on today's first supplemental calendar.

**CONSIDERATION OF THE DAILY CALENDAR**  
(continued)

**THIRD READING OF SENATE BILLS**

**SB 283**

The following, which had been moved to the bottom of the calendar (page 2889), was read the third time:

CS FOR SENATE BILL NO. 283(FIN)

"An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

Representative Berkowitz moved and asked unanimous consent that CSSB 283(FIN) be returned to second reading for the specific purpose of considering Amendment No. 10. There being no objection, it was so ordered.

Amendment Nos. 5 - 9 were not offered.

Amendment No. 10 was offered by Representatives Harris, Berkowitz, Coghill, Croft, Joule, Kerttula, Kott, Rokeberg, Williams, Lynn, and Guttenberg:

Page 1, line 4, following "**fund**" (title amendment):

**Insert "for fiscal year 2004; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2005; making appropriations to the Department of Education and Early Development for K-12 educational programs; making appropriations to the University of Alaska and the Alaska Court System; making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2004 into the constitutional budget reserve fund; making an appropriation of the amount**

**necessary to balance revenue and general fund appropriations for fiscal years 2004 and 2005; making appropriations for power cost equalization and for grants to municipalities, unincorporated communities, and designated recipients"**

Page 1, following line 7:

Insert new bill sections to read:

**\*\* Section 1.** DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT -- K-12 SUPPORT FOR FY 2005. The sum of \$754,613,200 is appropriated to the Department of Education and Early Development for the purposes described and allocated in the amounts listed from the general fund and from other sources in the amounts set out:

| PURPOSE                             | ALLOCATION    |
|-------------------------------------|---------------|
| Foundation Program                  | \$693,344,900 |
| Boarding Home Grants                | 185,900       |
| Youth in Detention                  | 1,100,000     |
| Special Schools                     | 6,425,200     |
| Pupil Transportation                | 53,557,200    |
| FUND SOURCE                         | AMOUNT        |
| General Fund Receipts               | \$721,874,900 |
| Federal Impact Aid for K-12 Schools | 20,791,000    |
| Public School Trust Fund            | 11,947,300    |

**\* Sec. 2.** UNIVERSITY OF ALASKA -- FY 2005. The sum of \$649,322,300 is appropriated to the University of Alaska for the purposes described and allocated in the amounts listed from the general fund and from other sources in the amounts set out:

| PURPOSE                     | ALLOCATION    |
|-----------------------------|---------------|
| Budget Reductions/Additions | \$ 29,993,400 |
| - Systemwide                |               |
| Statewide Services          | 7,403,900     |
| Statewide Networks (ITS)    | 13,551,900    |
| Anchorage Campus            | 169,926,000   |
| Kenai Peninsula College     | 7,720,000     |
| Kodiak College              | 3,351,800     |
| Matanuska-Susitna College   | 7,481,900     |
| Prince William Sound        | 5,312,900     |
| Community College           |               |
| Cooperative Extension       | 6,661,200     |
| Service                     |               |

|   |               |
|---|---------------|
| Bristol Bay Campus                          | 2,313,600     |
| Chukchi Campus                              | 1,562,600     |
| Fairbanks Campus                            | 177,707,500   |
| Fairbanks Organized Research                | 121,775,600   |
| Interior-Aleutians Campus                   | 2,990,200     |
| Kuskokwim Campus                            | 4,442,700     |
| Northwest Campus                            | 2,493,100     |
| Rural College                               | 6,863,800     |
| Tanana Valley Campus                        | 7,266,600     |
| Juneau Campus                               | 29,428,900    |
| Ketchikan Campus                            | 4,466,400     |
| Sitka Campus                                | 6,608,300     |
| FUND SOURCE                                 | AMOUNT        |
| Federal Receipts                            | \$124,362,000 |
| General Fund Match                          | 2,777,300     |
| General Fund Receipts                       | 209,737,900   |
| Inter-Agency Receipts                       | 18,800,000    |
| University of Alaska Restricted Receipts    | 234,190,000   |
| Capital Improvement Project Receipts        | 4,762,200     |
| Technical Vocational Educ. Program Receipts | 2,868,900     |
| University of Alaska Intra-Agency Transfers | 51,824,000"   |

Page 1, line 8:

Delete "**Section 1.** CONSTITUTIONAL BUDGET RESERVE FUND. (a)"

Insert "**Sec. 3.** CONSTITUTIONAL BUDGET RESERVE FUND APPROPRIATIONS. (a) The appropriations made in (c) - (f) of this section are contingent upon (1) the passage by the Twenty-Third Alaska State Legislature during the Second Regular Session and enactment into law of a bill that increases the base student allocation under AS 14.17.470 to at least \$4,588, and (2) the enactment of this bill into law in a form that is identical to the version of this bill that passes both houses of the legislature. If this contingency is not satisfied, the appropriations made in (c) - (f) of this section are void and of no effect.

(b)"

Page 2, line 1:

Delete "(b) The"

Insert "(c) Subject to (a) of this section, the"

Page 2, lines 5 - 8:

Delete all material and insert:

"(d) Subject to (a) of this section, if the unrestricted state revenue available for appropriation in fiscal years 2004 and 2005 is insufficient to cover the general fund appropriations that take effect in fiscal years 2004 and 2005, the amount necessary to balance revenue and general fund appropriations for those fiscal years is appropriated to the general fund from the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska).

(e) Subject to (a) of this section, deposits in the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) for fiscal year 2004 that are made from subfunds and accounts other than the operating general fund (state accounting system fund number 11100) by operation of art. IX, sec. 17(d), Constitution of the State of Alaska, to repay appropriations from the budget reserve fund are appropriated from the budget reserve fund to the subfunds and accounts from which they were transferred.

(f) Subject to (a) of this section, the sum of \$125,000 is appropriated from the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) to the Department of Revenue, treasury division, for the fiscal year ending June 30, 2005, for investment management fees for the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska).

(g) The amount equal to the difference between \$15,700,000 and the amount appropriated to the power cost equalization and rural electric capitalization fund (AS 42.45.100) under sec. 4(ff) of this Act, estimated to be \$4,400,000, is appropriated from the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) to the power cost equalization and rural electric capitalization fund (AS 42.45.100).

\* **Sec. 4. MISCELLANEOUS APPROPRIATIONS.** (a) The appropriations made in (b) - (ff) of this section are contingent upon each of the appropriations made in sec. 3(b), (c), (d), (e), (f), and (g) of this Act passing upon an affirmative vote of at least three-fourths of the members of each house of the legislature. If this contingency is not satisfied, the appropriations made in this section are void and of no effect.

(b) Subject to (a) of this section, the sum of \$84,500,000 is appropriated from the general fund to the Department of

Education and Early Development for the foundation program for the fiscal year ending June 30, 2005.

(c) Subject to (a) of this section, the sum of \$15,800,000 is appropriated from the general fund to the University of Alaska to pay for university operations and for the additional costs of participation in employee retirement systems for the fiscal year ending June 30, 2005.

(d) Subject to (a) of this section, the sum of \$1,821,100 is appropriated from the general fund to the Alaska Court System to pay the additional costs of participation in employee retirement systems for the fiscal year ending June 30, 2005.

(e) Subject to (a) of this section, the sum of \$3,400,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Shishmaref for erosion control.

(f) Subject to (a) of this section, the sum of \$1,000,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.316 to Yuut Elitnauriviat, Inc., for design and construction of People's Learning Center, phase I.

(g) Subject to (a) of this section, the sum of \$779,600 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Dillingham for middle school roof repair and high school gym roof repair.

(h) Subject to (a) of this section, the sum of \$250,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Craig for boat haul out construction.

(i) Subject to (a) of this section, the sum of \$165,000 is appropriated from the general fund to the Department of Administration for payment as a grant under AS 37.05.316 to Capital Community Broadcasting, Inc. (KTOO) for capitol broadband link and digital video server.

(j) Subject to (a) of this section, the sum of \$314,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Angoon for city dock and boat harbor repair and expansion.

(k) Subject to (a) of this section, the sum of \$200,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Allakaket for purchase of heavy equipment.

(l) Subject to (a) of this section, the sum of \$150,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.317 to the Metlakatla Indian Community for a feasibility study of a barge haul out.

(m) Subject to (a) of this section, the sum of \$125,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Haines for Port Chilkoot dock infrastructure construction.

(n) Subject to (a) of this section, the sum of \$120,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.317 to the unincorporated community of Klukwan for cultural center planning, engineering, and construction.

(o) Subject to (a) of this section, the sum of \$100,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.317 to the unincorporated community of Rampart for purchase of a bulldozer.

(p) Subject to (a) of this section, the sum of \$95,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City and Borough of Yakutat for boat harbor facility upgrades.

(q) Subject to (a) of this section, the sum of \$65,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Kake for community hall/building renovation.

(r) Subject to (a) of this section, the sum of \$50,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Hoonah for purchase of fire equipment.

(s) Subject to (a) of this section, the sum of \$50,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Skagway for construction of seawall and sea walk.

(t) Subject to (a) of this section, the sum of \$50,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Craig for fish enhancement hatchery and rearing facility construction.

(u) Subject to (a) of this section, the sum of \$25,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Cordova for community center construction.

(v) Subject to (a) of this section, the sum of \$25,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City and Borough of Yakutat for teen center construction.

(w) Subject to (a) of this section, the sum of \$25,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Fort Yukon for community center construction.

(x) Subject to (a) of this section, the sum of \$25,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Hydaburg for engineering and design of a heritage center.

(y) Subject to (a) of this section, the sum of \$20,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.317 to the unincorporated community of Naukati West for construction of a fire hall/public safety building.

(z) Subject to (a) of this section, the sum of \$3,500 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Tenakee Springs for search and rescue equipment.

(aa) Subject to (a) of this section, the sum of \$750,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the Municipality of Anchorage for critical transportation and other capital projects.

(bb) Subject to (a) of this section, the sum of \$500,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the Bristol Bay Borough for community cargo dock upgrades.

(cc) Subject to (a) of this section, the sum of \$150,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of Togiak for purchase of search and rescue equipment.

(dd) Subject to (a) of this section, the sum of \$200,000 is appropriated from the general fund to the Department of Community and Economic Development for payment as a grant under AS 37.05.315 to the City of King Cove for power house rehabilitation.

(ee) Subject to (a) of this section, the sum of \$1,350,000 is appropriated from the general fund to the University of Alaska, Tanana Valley Community College, for renovation of the old Fairbanks Courthouse.

(ff) Subject to (a) of this section, in accordance with AS 42.45.085(a), the amount not to exceed seven percent of the market value of the power cost equalization endowment fund (AS 42.45.070), determined by the commissioner of revenue to be \$11,369,441.16, minus amounts appropriated during the fiscal year ending June 30, 2005, for reimbursement of the costs set out in AS 42.45.085(a)(2) and (3) is appropriated from the power cost equalization endowment fund (AS 42.45.070) to the power cost equalization and rural electric capitalization fund (AS 42.45.100).

\* **Sec. 5.** BUDGET RESERVE FUND. The appropriations of funds from the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) made in sec. 3 of this Act are made under art. IX, sec. 17(c), Constitution of the State of Alaska.

\* **Sec. 6.** LAPSE. (a) The appropriations made by secs. 3(g) and 4(ff) of this Act are for the capitalization of funds and do not lapse.

(b) The appropriations made by secs. 4(f), 4(i), 4(l), 4(n), 4(o), 4(y), and 4(ee) of this Act are for capital projects and lapse under AS 37.25.020.

\* **Sec. 7. RETROACTIVITY.** Sections 3(b), 3(c), and 3(d) of this Act are retroactive to July 1, 2003.

\* **Sec. 8.** Sections 3(b), 3(c), 3(d), 3(g), 4(e), and 7 of this Act take effect immediately under AS 01.10.070(c).

\* **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect July 1, 2004."

Representative Berkowitz moved and asked unanimous consent that Amendment No. 10 be adopted.

Objection was heard.

The question being: "Shall Amendment No. 10 be adopted?" The roll was taken with the following result:

CSSB 283(FIN)  
Second Reading  
Amendment No. 10

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Anderson, Heinze, McGuire, Moses

And so, Amendment No. 10 was adopted and the new title follows:

CS FOR SENATE BILL NO. 283(FIN) am H

"An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2004; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2005; making

appropriations to the Department of Education and Early Development for K-12 educational programs; making appropriations to the University of Alaska and the Alaska Court System; making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2004 into the constitutional budget reserve fund; making an appropriation of the amount necessary to balance revenue and general fund appropriations for fiscal years 2004 and 2005; making appropriations for power cost equalization and for grants to municipalities, unincorporated communities, and designated recipients; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

(HCR 34 - title change resolution)

CSSB 283(FIN) am H was automatically in third reading.

The question being: "Shall CSSB 283(FIN) am H pass the House?"  
The roll was taken with the following result:

CSSB 283(FIN) am H  
Third Reading  
Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Anderson, Heinze, McGuire, Moses

And so, CSSB 283(FIN) am H 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 (Section 8). There being no objection, it was so ordered.

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 (Section 9). There being no objection, it was so ordered.

Representative Coghill moved that the House adopt the appropriations from the constitutional budget reserve fund under art. IX, sec. 17(c), Constitution of the State of Alaska.

The question being: "Shall the appropriations from the constitutional budget reserve fund under art. IX, sec. 17(c), Constitution of the State of Alaska be adopted?" The roll was taken with the following result:

CSSB 283(FIN) am H

Third Reading

Constitutional Budget Reserve Appropriations

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Anderson, Heinze, McGuire, Moses

And so, the constitutional budget reserve appropriations were adopted.

CSSB 283(FIN) am H was referred to the Chief Clerk for engrossment.

#### **SPECIAL ORDER OF BUSINESS**

##### **HCR 34**

Representative Coghill moved and asked unanimous consent that the following be taken up as a Special Order of Business at this time:

##### **HOUSE CONCURRENT RESOLUTION NO. 34**

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 283, making appropriations from the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) and other funds.

There being no objection, it was so ordered.

HCR 34 by the House Rules Committee was read the first time.

The question being: "Shall HCR 34 pass the House?" The roll was taken with the following result:

HCR 34  
Special Order of Business

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Anderson, Heinze, McGuire, Moses

And so, HCR 34 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 - The 2004 Wasilla High School Wrestling Team  
By Representatives Stoltze, Kohring, Masek, Gatto, Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Lynn, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson, Wolf;  
Senators Green, Ogan

## Honoring - Jed Wade

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

## Honoring - Chancellor Marshall Lind in His Retirement

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

## Honoring - 4-H Western Regional Leadership Forum

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

## In Memoriam - Joan M. Hurst

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

## In Memoriam - Denise Selma Asicksik

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

In Memoriam - Elena Crisco

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

In Memoriam - Nona Nuyalan Amos

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

### **CONSIDERATION OF THE FIRST SUPPLEMENTAL CALENDAR**

Representative Coghill moved and asked unanimous consent that the House adopt the First Supplemental Calendar. There being no objection, the following was adopted:

HB 233 INCREASE EDUCATION FUNDING  
SJR 26 SALMON ENHANCEMENT IN WILDERNESS AREAS

### **SECOND READING OF HOUSE BILLS**

#### **HB 233**

The following was read the second time:

HOUSE BILL NO. 233

"An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date."

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| with the:                   | Journal Page |
|-----------------------------|--------------|
| EDU RPT CS(EDU) 6DP         | 1069         |
| FN1: (EED)                  | 1069         |
| HES RPT CS(EDU) 3DP 1NR 1AM | 1233         |
| FN1: (EED)                  | 1233         |
| FIN REFERRAL WAIVED         | 2891         |

The following updated fiscal note was submitted by the Rules Committee:

2. Fiscal, House Rules Committee/Dept. of Education & Early Development

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. 233(EDU)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Wilson, Harris, Berkowitz, Kerttula, Gara, Croft, Williams, Masek, Foster, Meyer, Morgan, Samuels, and Seaton:

Page 1, line 1 (title amendment):

Delete "**relating to**"  
Insert "**increasing**"

Page 1, line 6:

Delete "\$4,168"  
Insert "\$4,588"

Page 1, line 7:

Delete "2003"  
Insert "2004"

Representative Wilson moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered and the new title follows:

CS FOR HOUSE BILL NO. 233(EDU) am

"An Act increasing the base student allocation used in the formula for state funding of public education; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that CSHB 233(EDU) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 233(EDU) am was read the third time.

The question being: "Shall CSHB 233(EDU) am pass the House?"  
The roll was taken with the following result:

CSHB 233(EDU) am

Third Reading

Final Passage

**YEAS: 35 NAYS: 0 EXCUSED: 5 ABSENT: 0**

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Anderson, Hawker, Heinze, McGuire, Moses

And so, CSHB 233(EDU) am passed the House.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 233(EDU) am was referred to the Chief Clerk for engrossment.

Representative Coghill moved and asked unanimous consent that Representative Hawker be excused from a call of the House due to illness. There being no objection, it was so ordered.

Representative Croft moved and asked unanimous consent that Representative Hawker be shown as excused from the vote on CSHB 233(EDU) am. There being no objection, the voting record was changed accordingly.

## SECOND READING OF SENATE RESOLUTIONS

### **SJR 26**

The following was read the second time:

#### CS FOR SENATE JOINT RESOLUTION NO. 26(RES)

Requesting the United States Department of the Interior and the United States Department of Justice to appeal the decision of the United States Court of Appeals for the Ninth Circuit in *The Wilderness Society v. United States Fish and Wildlife Service* and to seek an emergency stay of the decision pending an appeal of the decision.

with the:

Journal Page

RES RPT 6DP 1DNP

2894

FN1: ZERO(DFG)

2894

Representative Coghill moved and asked unanimous consent that CSSJR 26(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSJR 26(RES) was read the third time.

The question being: "Shall CSSJR 26(RES) pass the House?" The roll was taken with the following result:

CSSJR 26(RES)

Third Reading

Final Passage

**YEAS: 24 NAYS: 6 EXCUSED: 5 ABSENT: 5**

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Yeas: Chenault, Dahlstrom, Fate, Foster, Gatto, Gruenberg, Harris, Joule, Kapsner, Kohring, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wolf

Nays: Cissna, Coghill, Crawford, Holm, Weyhrauch, Wilson

Excused: Anderson, Hawker, Heinze, McGuire, Moses

Absent: Berkowitz, Croft, Gara, Guttenberg, Kerttula

And so, CSSJR 26(RES) passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

**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 Moses - from 4:00 p.m., March 8 to 9:30 a.m., plane time, March 16, 2004

Representative Ogg - from 1:00 p.m., March 9 to 7:00 p.m., plane time, March 14, 2004

Representative Fate - from 7:00 p.m., March 9 to 10:00 p.m., plane time, March 14, 2004

Representative Kott - from 7:30 p.m., March 9 to 9:30 a.m., plane time, March 15, 2004

Representative Lynn - from 5:00 p.m., March 10 to 10:00 a.m., plane time, March 17, 2004

Representative Chenault - from 7:00 a.m., March 9 to 7:00 p.m., plane time, March 14, 2004

Representative Stepovich - from 7:30 a.m., March 9 to 10:00 a.m., plane time, March 15, 2004

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Representative Gatto - from 1:00 p.m., March 9 to 1:30 p.m., plane time, March 15, 2004

Representative Dahlstrom - from noon, March 9 to 9:00 p.m., plane time, March 14, 2004

Representative Samuels - from noon, March 10 to 9:00 p.m., plane time, March 14, 2004

Representative Masek - from 7:30 p.m., March 9 to 9:00 p.m., plane time, March 14, 2004

Representative Gruenberg - from 6:00 a.m., March 10 to 10:00 a.m., plane time, March 15, 2004

Representative Williams - from 10:00 a.m., March 10 to 12:30 p.m., plane time, March 15, 2004

Representative Holm - from noon, March 10 to 10:00 a.m., plane time, March 15, 2004

Representative Joule - from 7:30 a.m., March 10 to 7:30 a.m., March 16, 2004

Representative Harris - from 10:00 a.m., March 10 to evening plane time, March 14, 2004

Representative Wolf - from 7:00 p.m., March 10 to 10:00 a.m., plane time, March 15, 2004

Representative Hawker - from 7:30 p.m., March 10 to 2:00 p.m., plane time, March 14, 2004

Representative Cissna - from 7:00 a.m., March 11 to 7:30 p.m., plane time, March 14, 2004

Representative Guttenberg - from 10:00 a.m., March 11 to 7:00 p.m., plane time, March 14, 2004

**HB 342**

The Speaker added a Finance Committee referral to the following:

HOUSE BILL NO. 342

"An Act relating to driving while intoxicated; and providing for an effective date."

HB 342 was removed from the Rules Committee and referred to the Finance Committee.

**HB 424**

The Speaker added a Finance Committee referral to the following:

HOUSE BILL NO. 424

"An Act relating to review of regulations under the Administrative Procedure Act by the Legislative Affairs Agency; and providing for an effective date."

HB 424 was removed from the Rules Committee and referred to the Finance Committee.

**HB 233**

Representatives Chenault, Seaton, Gara, Croft, Ogg, Kookesh, Kapsner, Crawford, Meyer, Masek, Joule, Lynn, Guttenberg, and Kohring added their names as cosponsors to:

CS FOR HOUSE BILL NO. 233(EDU) am

"An Act increasing the base student allocation used in the formula for state funding of public education; and providing for an effective date."

**HB 344**

Representatives Guttenberg, Stoltze, Crawford, Dahlstrom, and Lynn added their names as cosponsors to:

CS FOR HOUSE BILL NO. 344(RES)

"An Act relating to annual rental fees, statements of annual labor, and production royalty for mining claims; and providing a cure for abandonment."

**HB 424**

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 424

"An Act relating to review of regulations under the Administrative Procedure Act by the Legislative Affairs Agency; and providing for an effective date."

**SJR 26**

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

CS FOR SENATE JOINT RESOLUTION NO. 26(RES)

Requesting the United States Department of the Interior and the United States Department of Justice to appeal the decision of the United States Court of Appeals for the Ninth Circuit in *The Wilderness Society v. United States Fish and Wildlife Service* and to seek an emergency stay of the decision pending an appeal of the decision.

**SB 283**

Representatives Croft, Chenault, Seaton, and Ogg added their names as cross sponsors to:

CS FOR SENATE BILL NO. 283(FIN) am H

"An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2004; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2005; making appropriations to the Department of Education and Early Development for K-12 educational programs; making appropriations to the University of Alaska and the Alaska Court System; making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2004 into the constitutional budget reserve fund; making an appropriation of the amount necessary to balance revenue and

general fund appropriations for fiscal years 2004 and 2005; making appropriations for power cost equalization and for grants to municipalities, unincorporated communities, and designated recipients; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

### ENGROSSMENT

#### **HCR 33**

HCR 33 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

#### **HCR 34**

HCR 34 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

#### **HB 233**

CSHB 233(EDU) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

#### **HB 344**

CSHB 344(RES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

#### **SB 63**

HCS CSSB 63(CRA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

#### **SB 283**

CSSB 283(FIN) am H 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.

Financial Disclosure Statements due to APOC: 3/15

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 9, 2004. There being no objection, the House adjourned at 10:51 p.m.

Suzi Lowell  
Chief Clerk