

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

April 13, 2004

Ninety-third Day

Pursuant to adjournment the House was called to order by Speaker Kott at 2:20 p.m.

Roll call showed 35 members present. Representatives Masek and Moses had been previously excused from a call of the House today. Representative Anderson had been previously excused from a call of the House until 3:00 p.m. today and his presence was noted later. Representatives McGuire and Stepovich were absent.

The invocation was sung by Teri Tibbett. Representative Fate moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Put A Little Love In Your Heart

Think of your fellow man
Lend him a helping hand
Put a little love in your heart

You see it's getting late
Oh please don't hesitate
Put a little love in your heart

And the world will be a better place
And the world will be a better place
For you and me
You just wait and see

Take a good look around
And if you're lookin' down
Put a little love in your heart

I hope when you decide
Kindness will be your guide
Put a little love in your heart

And the world will be a better place
And the world will be a better place
For you and me
You just wait and see

Put a little love in your heart
Put a little love in your heart
Put a little love in your heart
Put a little love in your heart
Put a little love in -
Put a little love in your heart ...

The Pledge of Allegiance was led by Representative Chenault.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 87th, 88th, 89th, 90th, 91st, and 92nd legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

HCR 33

A message dated April 9, 2004, was read stating the Governor is transmitting the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's office for permanent filing:

HOUSE CONCURRENT RESOLUTION NO. 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.

Legislative Resolve No. 39

SCR 23

A message dated April 8, 2004, was read stating the Governor is transmitting the engrossed and enrolled copies of the following resolution to the Lieutenant Governor's office for permanent filing:

SENATE CONCURRENT RESOLUTION NO. 23

Authorizing a recess by the Senate and the House of Representatives for a period of more than three days, those days being April 9, 10, 11, and 12 of 2004.

Legislative Resolve No. 40

SB 241

A message dated April 8, 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. 241(FIN) am H

"An Act making an appropriation to the Department of Revenue for work related to bringing North Slope natural gas to market; and providing for an effective date."

Chapter No. 14, SLA 2004

Effective Date: April 9, 2004

MESSAGES FROM THE SENATE

Messages dated April 7 and 8, 2004, were read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 328**

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 328(FIN) by the Senate Finance Committee, entitled:

"An Act relating to the national forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; making conforming amendments; and providing for an effective date."

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

SB 329

CS FOR SENATE BILL NO. 329(RES) by the Senate Resources Committee, entitled:

"An Act relating to control of nuisance moose."

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

COMMUNICATIONS

The following was received:

Alaska Railroad Corporation
2003 Annual Report Released
Available at www.alaskarailroad.com

REPORTS OF STANDING COMMITTEES**HB 488**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 488

"An Act relating to actionable claims against state employees; relating to the state's defense and indemnification of its employees and former employees with respect to claims arising out of

conduct that is within the scope of employment; amending the Public Employment Relations Act regarding claims against the state or state employees; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 488(L&C)

"An Act relating to actionable claims against state employees; and providing for an effective date."

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

Do pass (2): Rokeberg, Anderson

No recommendation (5): Crawford, Lynn, Gatto, Dahlstrom, Guttenberg

The following fiscal note(s) apply to CSHB 488(L&C):

1. Zero, Dept. of Law

HB 488 was referred to the Judiciary Committee.

HB 542

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 542

"An Act relating to specialty construction contractors and to construction contractor exemptions."

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

Do pass (7): Crawford, Lynn, Gatto, Rokeberg, Dahlstrom, Guttenberg, Anderson

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 542 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

In Memoriam - Frank Watson Rose, III
By Senator Wilken

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 554

HOUSE BILL NO. 554 by the House Rules Committee by request of the Governor, entitled:

"An Act authorizing the making of certain commercial fishing loans to eligible community quota entities for the purchase of certain fishing quota shares; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development
2. Zero, Dept. of Fish & Game

The Governor's transmittal letter dated April 9, 2004, follows:

"Dear Speaker Kott:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill to amend the lending authority of the Department of Community and Economic Development (department) under the Commercial Fishing Loan Act; to authorize

loans to federally designated community quota entities authorized by federal regulation to purchase and hold certain fishing quota shares; and to lease the resultant individual fishing quota shares to community residents.

The federal government is currently proposing federal regulations that, if adopted, would amend the federal individual fishing quota program. The definition of an eligible quota shares holder would be revised to allow specific communities in the Gulf of Alaska to purchase quota shares for halibut and sablefish fisheries. The community quota entity may then hold the shares for lease to their community residents. Quota shares, and loans for their purchase under the Commercial Fishing Loan Act, are presently limited to individuals.

The purpose of the amendment is to improve the economic viability of these communities through local ownership of fishing privileges. Since the initial allocation of quota shares all but two of the 42 eligible communities have experienced a significant decline in the number of quota shares held by residents. This amendment will provide a financing mechanism that can be used by these communities to help reverse this trend.

The bill's effective date provision for the loan statute changes would ensure that if the proposed federal regulations do not take effect, the bill's changes expanding the department's lending authority also would not take effect.

The community quota entity program provides a unique opportunity to improve economic conditions in a number of Alaska's coastal communities. Local ownership of fishing privileges is vital to the financial health of these communities.

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 417**

The following was read the second time:

HOUSE BILL NO. 417

"An Act amending the definition of 'project' in the Act establishing the Alaska Natural Gas Development Authority; and providing for an effective date."

with the:	Journal Page
O&G RPT 2DP 3AM	2687
FN1: INDETERMINATE(REV)	2687
RES RPT 4DP 2NR	2948
FN1: INDETERMINATE(REV)	2948
FIN RPT 11DP	3133
FN1: INDETERMINATE(REV)	3134

Representative Coghill moved and asked unanimous consent that HB 417 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 417 was read the third time.

The question being: "Shall HB 417 pass the House?" The roll was taken with the following result:

HB 417

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, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

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Excused: Anderson, Masek, Moses

Absent: McGuire, Stepovich

And so, HB 417 passed the House.

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

HB 417 was referred to the Chief Clerk for engrossment.

HB 464

The following was read the second time:

HOUSE BILL NO. 464

"An Act extending the termination date of the Board of Certified Real Estate Appraisers."

with the:	Journal Page
L&C RPT 3DP 2NR	2962
FN1: (CED)	2962
FIN RPT 10DP	3163
FN1: (CED)	3163

Representative Coghill moved and asked unanimous consent that HB 464 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 464 was read the third time.

The question being: "Shall HB 464 pass the House?" The roll was taken with the following result:

HB 464

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, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Anderson, Masek, Moses

Absent: McGuire, Stepovich

And so, HB 464 passed the House and was referred to the Chief Clerk for engrossment.

CONCUR IN SENATE AMENDMENTS

HB 344

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 3244) on the following at this time:

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."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 344(RES)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSHB 344(RES), thus adopting SCS CSHB 344(RES), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 344(RES)?" The roll was taken with the following result:

SCS CSHB 344(RES)

Concur

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

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

Excused: Anderson, Masek, Moses

Absent: McGuire, Stepovich

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 344(RES).

The Chief Clerk notified the Senate.

SCS CSHB 344(RES) was referred to the Chief Clerk for enrollment.

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 Kott - from 7:00 a.m., April 14 to 1:00 p.m., plane time, April 18, 2004

Representative Morgan - from 7:00 p.m., April 14 to 10:00 p.m., plane time, April 15, 2004

Representative Kapsner - from 7:00 a.m., April 15 to 9:00 p.m., April 18, 2004

Representative Dahlstrom - from 7:00 a.m., April 22 to 10:00 p.m., plane time, April 25, 2004

HB 381

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 381

"An Act relating to child endangerment."

HB 381 is in the Judiciary Committee.

HB 427

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 427

"An Act relating to guardianships and conservatorships, to the public guardian and the office of public advocacy, to private professional guardians and private professional conservators, to court visitors, court-appointed attorneys, guardians ad litem, and fiduciaries, and to the protection of the person or property of certain individuals, including minors; amending Rules 16(f) and 17(e), Alaska Rules of Probate Procedure; and providing for an effective date."

HB 427 is in the Judiciary Committee.

**The presence of Representative Anderson was noted.

SPECIAL ORDER OF BUSINESS

Representative Coghill moved and asked unanimous consent that the notice and publication requirements be waived and the citation, In Memoriam - Frank Watson Rose, III, 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:

In Memoriam – Frank Watson Rose, III

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

UNFINISHED BUSINESS

HB 417

Representative Lynn added his name as cosponsor to:

HOUSE BILL NO. 417

"An Act amending the definition of 'project' in the Act establishing the Alaska Natural Gas Development Authority; and providing for an effective date."

ENGROSSMENT

HB 417

HB 417 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 464

HB 464 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 14, 2004. There being no objection, the House adjourned at 2:54 p.m.

Suzi Lowell
Chief Clerk