

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

April 26, 2004

#### One Hundred Sixth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 1:42 p.m.

Roll call showed 34 members present. Representatives Croft, Harris, Heinze, Moses, Weyhrauch, and Wolf were absent and their presence was noted later.

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

As we deliberate today, I thought a Celtic prayer from the sixth century would be appropriate.

Alone with none but Thee, our God,  
We journey on our way;  
What need we fear when Thou art near,  
O King of night and day?  
More safe are we within Thy hand  
Than if a host did round us stand.

Be with us all, O Lord. 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 103rd, 104th, and 105th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

**MESSAGES FROM THE GOVERNOR**

A letter dated April 23, 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 Health, Education & Social Services Committee:

**Board of Nursing**

Mr. James E. Jurens - Juneau

Appointed: 3/25/2003      Reappointed: 4/22/2004

Term Expires: 3/1/2007

**Professional Teaching Practices Commission**

Ms. Kimberly (Kim) Jockusch - Anchorage

Appointed: 4/22/2004

Term Expires: 3/1/2007

Dr. Donna Peterson - Soldotna

Appointed: 4/22/2004

Term Expires: 3/1/2007

**Board of Social Work Examiners**

Mr. Darrell Allman - Anchorage

Appointed: 4/22/2004

Term Expires: 3/1/2008

Ms. Mildred D. (Tammy) Townsend - Anchorage

Appointed: 4/22/2004

Term Expires: 3/1/2007

The Speaker referred the following to the Judiciary Committee:

**Board of Governors of the Alaska Bar**

Michael J. Hurley - Anchorage

Appointed: 4/22/2004

Term Expires: 3/1/2007

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

**State Board of Registration for Architects, Engineers, and Land Surveyors**

Mr. Craig Fredeen - Eagle River  
Appointed: 4/22/2004  
Term Expires: 3/1/2008

**Board of Barbers and Hairdressers**

Ms. Debra Long - Fairbanks  
Appointed: 4/22/2004  
Term Expires: 3/1/2008

Ms. Joylene Marrs - Anchorage  
Appointed: 4/25/2003      Reappointed: 4/22/2004  
Term Expires: 3/1/2008

Ms. Angela J. Rosas - Houston  
Appointed: 4/22/2004  
Term Expires: 3/1/2008

Mr. Larry Allen Ungerecht - Anchorage  
Appointed: 11/29/2000      Reappointed: 4/22/2004  
Term Expires: 3/1/2008

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

\*\*The presence of Representatives Heinze and Weyhrauch was noted.

A message dated April 26, 2004, was read stating under the provision of article III, section 18 of the Alaska Constitution, the Governor requests the opportunity to address the House of Representatives of the Twenty-third Alaska State Legislature on Monday, April 26, 2004, at 3:00 p.m., regarding a long-term fiscal solution.

Representative Foster, Acting Majority Leader, moved and asked unanimous consent that the House accept the Governor's request to address the House at 3:00 p.m., today. There being no objection, it was so ordered.

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

**HB 282**

A message dated April 23, 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 BILL NO. 282

"An Act relating to contracts between the University of Alaska and its employees involving research or other development of intellectual property and to the authority of the president of the University of Alaska regarding employee contracts for development of intellectual property."

Chapter No. 22, SLA 2004

Effective Date: July 22, 2004

**HB 340**

A message dated April 23, 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 HOUSE BILL NO. 340(JUD) am

"An Act relating to damages in an action for a defect in the design, construction, and remodeling of certain dwellings; and providing for an effective date."

Chapter No. 25, SLA 2004

Effective Date: July 1, 2004

**HB 394**

A message dated April 23, 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 HOUSE BILL NO. 394(HES)

"An Act extending the termination date of the Alaska Commission on Aging and making technical revisions to citations related to the commission."

Chapter No. 24, SLA 2004  
Effective Date: July 22, 2004

**HB 478**

A message dated April 23, 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 BILL NO. 478

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

Chapter No. 20, SLA 2004  
Effective Date: April 24, 2004

**SB 201**

A message dated April 23, 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. 201(HES)

"An Act relating to home care and respite care; and providing for an effective date."

Chapter No. 23, SLA 2004  
Effective Date: April 24, 2004

**SB 264**

A message dated April 23, 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:

SENATE BILL NO. 264

"An Act repealing the time limitation on the authority of the Department of Natural Resources to enter into agreements with a person or persons desiring to own an oil or natural gas pipeline proposed to be located on state land for the purposes of providing for payment of the reasonable costs incurred in preparing for activities before receipt of an application under the Alaska Right-of-Way Leasing Act; and providing for an effective date."

Chapter No. 21, SLA 2004  
Effective Date: See Chapter

### MESSAGES FROM THE SENATE

#### HB 375

A message dated April 26, 2004, was read stating the Senate has passed CSHB 375(FIN) am with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 375(FIN) am  
S(brf sup maj fld S)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

The message was received at 11:14 a.m., April 26, 2004.

CSHB 375(FIN) am is under Unfinished Business.

### REPORTS OF STANDING COMMITTEES

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

Mr. Joseph N. Faulhaber

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

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

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

Mr. Clifford E. Baker  
Mr. Boyd J. Brownfield  
Mr. Richard A. Hughes  
Mr. Kenneth D. Maynard

as members of the State Board of Registration for Architects, Engineers, and Land Surveyors.

Mr. Dennis S. Niedermeyer

as a member of the Alaska Labor Relations Agency.

Mr. Thor R. Christianson

as a member of the Occupational Safety and Health Review Board.

Ms. Laura Plenert

as a member of the Personnel Board.

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

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

**HB 241**

The Finance 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(FIN)

"An Act relating to optional exemptions from municipal property taxes on residential property and to an exemption from and deferral of municipal property taxes on certain types of deteriorated property."

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

Do pass (5): Hawker, Chenault, Moses, Foster, Meyer

No recommendation (2): Stoltze, Joule

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

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

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

### **HB 364**

The Resources Committee has considered:

#### SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 364

"An Act establishing a moratorium on the issuance of state shallow natural gas leases in the vicinity of Kachemak Bay, and precluding the commissioner of natural resources from reissuing or otherwise extending leases within the moratorium area if the leases fail to produce gas in paying quantities within the terms of the lease or if there is a breach of a term or condition of the lease; and providing for an effective date."

and recommends it be replaced with:

#### CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 364(O&G)

"An Act prohibiting the issuance of state shallow natural gas leases in the vicinity of Kachemak Bay, modifying the authority to extend certain shallow natural gas leases, and precluding the director of the division of lands from reissuing or otherwise extending shallow natural gas leases within the Kachemak Bay area if there is a breach of a term or condition of the lease; and providing for an effective date."

The report was signed by Representative Masek, Co-chair, with the following individual recommendations:

No recommendation (5): Kerttula, Guttenberg, Lynn, Heinze, Masek



Amend (2): Wolf, Stepovich

The following fiscal note(s) apply to CSSSHB 364(O&G):

1. Indeterminate, Dept. of Natural Resources

SSHB 364 was referred to the Rules Committee for placement on the calendar.

**HB 366**

The Finance Committee has considered:

HOUSE BILL NO. 366

"An Act relating to rat racing charitable gaming; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 366(FIN)

"An Act relating to animal classic charitable gaming; and providing for an effective date."

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

Do pass (3): Stoltze, Chenault, Meyer

No recommendation (3): Hawker, Joule, Fate

The following fiscal note(s) apply to CSHB 366(FIN):

1. Zero, Dept. of Revenue

HB 366 was referred to the Rules Committee for placement on the calendar.

**HB 487**

The Finance Committee has considered:

## HOUSE BILL NO. 487

"An Act relating to the detention of delinquent minors in correctional facilities; relating to emergency detention of minors for evaluation for involuntary admission for mental health treatment; relating to detention of intoxicated minors and minors incapacitated by alcohol or drugs; and providing for an effective date."

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

Do pass (4): Moses, Fate, Foster, Meyer

No recommendation (4): Stoltze, Joule, Croft, Chenault

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services
2. Zero, Dept. of Public Safety

HB 487 was referred to the Rules Committee for placement on the calendar.

**HB 543**

The Health, Education & Social Services Committee has considered:

## HOUSE BILL NO. 543

"An Act relating to medical assistance coverage for prescription drugs; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 543(HES)  
(same title)

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

Do pass (1): Wilson

Do not pass (1): Cissna

No recommendation (4): Seaton, Coghill, Gatto, Wolf

The following fiscal note(s) apply to CSHB 543(HES):

1. Zero, House Health, Education & Social Services Committee

HB 543 was referred to the Rules Committee for placement on the calendar.

**HB 545**

The Judiciary Committee has considered:

HOUSE BILL NO. 545

"An Act relating to the extension under the State Procurement Code of terms for leases for real estate and certain terms for certain state contracts for goods and services; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 545(L&C)

"An Act relating to time extensions under the State Procurement Code for real property leases; and providing for an effective date."

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

Do pass (4): Gara, Samuels, Ogg, McGuire

The following fiscal note(s) apply to CSHB 545(L&C):

1. Zero, Dept. of Administration

HB 545 was referred to the Rules Committee for placement on the calendar.

**HB 551**

The Judiciary Committee has considered:

## HOUSE BILL NO. 551

"An Act relating to the issuance of teacher certificates to and revocation of teacher certificates of persons convicted of felony drug offenses and to the issuance of limited teacher certificates to persons convicted of certain crimes involving a minor and felony drug offenses."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 551(JUD)

"An Act relating to the issuance of teacher certificates to and revocation of teacher certificates of persons convicted of certain felony drug offenses and to the issuance of limited teacher certificates to persons convicted of certain crimes involving a minor and felony drug offenses."

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

Do pass (3): Samuels, Ogg, McGuire

No recommendation (2): Gara, Gruenberg

The following fiscal note(s) apply to CSHB 551(JUD):

1. Fiscal, Dept. of Education & Early Development

HB 551 was referred to the Finance Committee.

**HB 559**

The Finance Committee has considered:

## HOUSE BILL NO. 559

"An Act repealing the termination of the state training and employment program; and providing for an effective date."

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

Do pass (6): Joule, Moses, Chenault, Fate, Foster, Meyer

No recommendation (1): Stoltze

The following fiscal note(s) apply:

1. Zero, Dept. of Labor & Workforce Development

HB 559 was referred to the Rules Committee for placement on the calendar.

**SB 309**

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 309(JUD) am

"An Act relating to testing the blood of prisoners and those in custody for bloodborne pathogens."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 309(JUD)  
(same title)

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

Do pass (4): Samuels, Gruenberg, Ogg, McGuire

No recommendation (1): Gara

The following fiscal note(s) apply to HCS CSSB 309(JUD):

1. Zero, Dept. of Corrections
2. Zero, Dept. of Administration

CSSB 309(JUD) am was referred to the Rules Committee for placement on the calendar.

**INTRODUCTION OF CITATIONS**

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

Honoring - Master Sergeant David Hudson  
As 2003 Pacific Air Command Air Force's (PACF) Enlisted Reservist  
of the Year  
By Representatives Kott, Hawker, Dahlstrom

Honoring - Metlakatla High School Chiefs Boys Basketball Team  
By Representative Kookesh; Senator Lincoln

In Memoriam - Jake Ketscher, Esquire  
By Representative Coghill

**ANNOUNCEMENTS**

The following meeting today has been changed as indicated:

Finance Committee  
CHANGED TO: 2:15 p.m., 4/26

The Speaker stated that, without objection, the House would recess until 2:55 p.m. for the Governor's address; and so, the House recessed at 2:00 p.m.

**AFTER RECESS**

The Speaker called the House back to order at 3:20 p.m.

\*\*The presence of Representatives Moses was noted.

The Speaker appointed Representatives Gruenberg and Stoltze to escort the Governor to the House Chamber.

The Sergeant-at-Arms announced the Governor's entrance into the House Chamber.

Governor Murkowski was escorted to the rostrum and welcomed by Speaker Kott.

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

Governor Murkowski delivered his address.

Governor Murkowski received a standing ovation and was escorted from the Chamber by Representatives Stoltze and Gruenberg.

Representative Coghill moved and asked unanimous consent that the House recess; and so, the House recessed at 3:49 p.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 6:34 p.m.

#### **CONSIDERATION OF THE DAILY CALENDAR**

#### **HOUSE BILLS IN SECOND READING**

##### **HB 298**

The Speaker stated that, without objection, the following, which had been held in second reading to today's calendar (page 3480), would be moved to the bottom of the calendar:

CS FOR HOUSE BILL NO. 298(FIN)

"An Act relating to the income of and appropriations from the Alaska permanent fund under art. IX, sec. 15(b), Constitution of the State of Alaska, and making conforming amendments; relating to the determination of net income of the mental health trust fund; and providing for an effective date."

#### **THIRD READING OF HOUSE BILLS**

##### **HB 511**

The Speaker stated that, without objection, the following, which was advanced to third reading from the April 23, 2004, calendar (page 3491), would be moved to the bottom of the calendar:

CS FOR HOUSE BILL NO. 511(HES) am  
"An Act relating to the certificate of need program for health care facilities; and providing for an effective date."

**HB 533**

The Speaker stated that, without objection, the following, which was advanced to third reading from the April 23, 2004, calendar (page 3493), would be moved to the bottom of the calendar:

CS FOR HOUSE BILL NO. 533(JUD)  
"An Act relating to the state's administrative procedures and to judicial oversight of administrative matters."

**THIRD READING OF HOUSE RESOLUTIONS****HJR 26**

The following, which was held from the April 23, 2004, calendar (page 3480), was read the third time:

CS FOR HOUSE JOINT RESOLUTION NO. 26(FIN)  
Proposing amendments to the Constitution of the State of Alaska relating to and limiting appropriations from the Alaska permanent fund based on an averaged percent of the fund market value.

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

Representative Rokeberg placed a call of the House.

The call was satisfied.

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

CSHJR 26(FIN)  
Third Reading  
Final Passage

**YEAS: 27 NAYS: 13 EXCUSED: 0 ABSENT: 0**



Yeas: Anderson, Cissna, Coghill, Fate, Foster, Gatto, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kookesh, Kott, Lynn, McGuire, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson

Nays: Berkowitz, Chenault, Crawford, Croft, Dahlstrom, Gara, Gruenberg, Kerttula, Kohring, Masek, Meyer, Stoltze, Wolf

And so, CSHJR 26(FIN) passed the House and was referred to the Chief Clerk for engrossment.

The House adjourned.

### HOUSE BILLS IN SECOND READING

#### **HB 298**

The following, which was moved to the bottom of the calendar (page 3525), was not taken up this legislative day and will advance to third reading on tomorrow's calendar:

CS FOR HOUSE BILL NO. 298(FIN)

"An Act relating to the income of and appropriations from the Alaska permanent fund under art. IX, sec. 15(b), Constitution of the State of Alaska, and making conforming amendments; relating to the determination of net income of the mental health trust fund; and providing for an effective date."

### THIRD READING OF HOUSE BILLS

#### **HB 511**

The following, which was moved to the bottom of the calendar (page 3525), was not taken up this legislative day and will be on tomorrow's calendar:

CS FOR HOUSE BILL NO. 511(HES) am

"An Act relating to the certificate of need program for health care facilities; and providing for an effective date."

**HB 533**

The following, which was moved to the bottom of the calendar (page 3526), was not taken up this legislative day and will be on tomorrow's calendar:

CS FOR HOUSE BILL NO. 533(JUD)

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

**LEGISLATIVE CITATIONS**

The following citations were not taken up this legislative day and will be on tomorrow's calendar:

Honoring - Christopher Partridge

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

In Memoriam - Troy Davis

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

**UNFINISHED BUSINESS****HB 19**

Representative Seaton added his name as cosponsor to:

HOUSE BILL NO. 19

"An Act relating to appropriations for operating expenses for primary and secondary public education; and providing for an effective date."

**HB 241**

Representative Fate added his "do pass" recommendation to the Finance Committee report (page 3517) for the following:

HOUSE BILL NO. 241

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

**ENGROSSMENT****HJR 9**

Reconsideration of the following was not taken up on this legislative day. It was engrossed and signed by the Speaker and Chief Clerk:

CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN) am

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit.

**HJR 26**

CSHJR 26(FIN) was engrossed and signed by the Speaker and Chief Clerk.

**ENROLLMENT****HJR 30**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 3:14 p.m., April 26, 2004:

CS FOR HOUSE JOINT RESOLUTION NO. 30(STA) am

Relating to supporting the repeal of the Government Pension Offset and the Windfall Elimination Provisions from the Social Security Act.

**HB 356**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 3:14 p.m., April 26, 2004:

HOUSE BILL NO. 356

"An Act relating to operation of alcoholic beverage delivery sites;  
and providing for an effective date."

**ANNOUNCEMENTS**

House committee schedules are published daily under separate cover.

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn (page 3527) until 10:00 a.m., April 27, 2004. There being no objection, the House adjourned at 8:56 p.m.

Suzi Lowell  
Chief Clerk