

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

April 29, 2004

One Hundred Ninth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:51 a.m.

Roll call showed 36 members present. Representative Kapsner had been previously excused from a call of the House today. Representatives Croft, Guttenberg, and Weyhrauch were absent and their presence was noted later.

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

Our Heavenly Father,

You are the source of all intelligence, creativity, energy, and love. Enable us, today, to understand Your presence and power at work in our lives and in this state. Because You are the creator of our thoughts and our very being, we act intelligently and judiciously to promote Your good will on earth. We demonstrate Your nature as Truth by expressing honesty and integrity in all our actions. Your Spirit enables us to discern the critical issues and make equitable and reasonable decisions that benefit all. And it is divine Love that drives our words and deeds, expressing our sincere love for our fellow man.

Help us, Lord, to allow no suggestion of frustration, hopelessness, hate, or limitation, to trick us into believing that

You are not in control, or that there could possibly be a problem too hard for You. We will listen for Your voice and follow Your direction, knowing that the result will be harmony and blessing.

We acknowledge Your goodness and supreme government over all. We thank You for Your love and constant care. We are happy that "This is the day which the Lord hath made; we will rejoice and be glad in it." (Psalms 118:24) Amen.

The Pledge of Allegiance was led by Representative Gara.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 108th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

REPORTS OF STANDING COMMITTEES

HB 72

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 72

"An Act relating to the qualifications and appointment of members of the Board of Regents of the University of Alaska; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 72(HES)
(same title)

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

Do pass (3): Seaton, Cissna, Wilson

No recommendation (1): Coghill

The following fiscal note(s) apply to CSHB 72(HES):

2. Zero, Office of the Governor
3. Zero, Office of the Governor
4. Fiscal, University of Alaska

HB 72 was referred to the Rules Committee for placement on the calendar.

HB 551

The Rules 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 Rokeberg, Chair, with the following individual recommendations:

Do pass (3): Kott, McGuire, Rokeberg

No recommendation (4): Berkowitz, Coghill, Morgan, Kerttula

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

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

HB 551 was returned to the Rules Committee for placement on the calendar.

**The presence of Representative Guttenberg was noted.

HB 556

The Finance Committee has considered:

HOUSE BILL NO. 556

"An Act relating to a port development project at Lynn Canal, providing legislative approval for the Alaska Industrial Development and Export Authority to issue bonds or otherwise provide financing for the project; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 556(FIN)

"An Act relating to a port development project on Lynn Canal, providing legislative approval for the Alaska Industrial Development and Export Authority to issue bonds for the project; and providing for an effective date."

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

Do pass (8): Meyer, Hawker, Joule, Chenault, Fate, Foster, Harris, Williams

No recommendation (3): Stoltze, Croft, Moses

The following fiscal note(s) apply to CSHB 556(FIN):

1. Zero, Dept. of Community & Economic Development

HB 556 was referred to the Rules Committee for placement on the calendar.

SB 194

The Labor & Commerce Committee has considered:

CS FOR SENATE BILL NO. 194(FIN)

"An Act authorizing delivery of up to two bottles of distilled spirits and 40 ounces of beer to a cruise ship passenger or hotel guest."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 194(L&C)

"An Act authorizing delivery of up to two bottles of distilled spirits or 72 ounces of beer to a cruise ship passenger or hotel guest."

(HCR 37 - title change resolution)

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 HCS CSSB 194(L&C):

2. Zero, Dept. of Public Safety

CSSB 194(FIN) was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Croft was noted.

SB 328

The Community & Regional Affairs Committee has considered:

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 328(FIN)

"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."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO.
328(CRA)
(same title)

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

Do pass (3): Wolf, Kookesh, Morgan

No recommendation (1): Samuels

The following fiscal note(s) apply to HCS CSSSSB 328(CRA):

1. Zero, Dept. of Community & Economic Development

CSSSSB 328(FIN) was referred to the Finance Committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 37

HOUSE CONCURRENT RESOLUTION NO. 37 by the House Labor & Commerce Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 194, relating to delivery of distilled spirits and beer.

was read the first time and referred to the Rules Committee for placement on the calendar.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 338

The following, which had been on the April 28, 2004, calendar and not taken up (page 3605), was read the second time:

HOUSE BILL NO. 338

"An Act relating to attendance at public school; and providing for an effective date."

with the:	Journal Page
EDU RPT CS(EDU) 3DP 1NR	2712
FN1: INDETERMINATE(EED)	2712
HES RPT CS(HES) 1DP 4NR	3161
FN1: INDETERMINATE(EED)	3161
FIN RPT CS(HES) 7DP 1NR	3477
FN1: INDETERMINATE(EED)	3477

**The presence of Representative Weyhrauch was noted.

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. 338(HES)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 338(HES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 338(HES) was read the third time.

The question being: "Shall CSHB 338(HES) pass the House?" The roll was taken with the following result:

CSHB 338(HES)
Third Reading
Final Passage

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

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

Excused: Kapsner

Absent: Anderson, Guttenberg, Wilson

And so, CSHB 338(HES) 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 338(HES) was referred to the Chief Clerk for engrossment.

HB 421

The following, which had been on the April 28, 2004, calendar and not taken up (page 3605), was read the second time:

HOUSE BILL NO. 421

"An Act relating to reconveyances of deeds of trust."

with the:	Journal Page
L&C RPT CS(L&C) 7DP	3076
FN1: ZERO(DNR)	3077
JUD RPT CS(JUD) 2DP 4NR	3440
FN1: ZERO(DNR)	3441

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. 421(JUD)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 421(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 421(JUD) will advance to third reading on tomorrow's calendar.

HB 422

The following, which had been on the April 28, 2004, calendar and not taken up (page 3605), was read the second time:

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."

with the:

Journal Page

STA RPT CS(STA) NT 4DP 1NR	2881
FN1: (REV)	2881
FIN RPT CS(STA) NT 7DP 2NR	3277
FN1: (REV)	3278

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. 422(STA)

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

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 422(STA) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 422(STA) will advance to third reading on tomorrow's calendar.

HB 468

The following, which had been on the April 28, 2004, calendar and not taken up (page 3605), was read the second time:

HOUSE BILL NO. 468

"An Act relating to the amount of the bond required to stay execution of a judgment in civil litigation involving a signatory, a successor of a signatory, or an affiliate of a signatory to the tobacco product Master Settlement Agreement during an appeal; amending Rules 204 and 205, Alaska Rules of Appellate Procedure; and providing for an effective date."

with the:	Journal Page
JUD RPT CS(JUD) 1DP 2DNP 4NR	2981
FN1: ZERO(CRT)	2982
FN2: ZERO(LAW)	2982

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. 468(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gara:

Page 2, line 1:

Delete "total"

Insert "portion of the"

Page 2, line 2, following "collectively":

Insert "that is attributable to the amount of the judgment for punitive damages"

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

Representative Anderson objected.

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

CSHB 468(JUD)
Second Reading
Amendment No. 1

YEAS: 13 NAYS: 23 EXCUSED: 1 ABSENT: 3

Yeas: Berkowitz, Cissna, Crawford, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kookesh, Meyer, Morgan, Moses, Samuels

Nays: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kohring, Kott, Lynn, Masek, Ogg, Rokeberg, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf

Excused: Kapsner

Absent: Croft, McGuire, Weyhrauch

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 468(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 468(JUD) will advance to third reading on tomorrow's calendar.

HB 472

The following, which had been on the April 28, 2004, calendar and not taken up (page 3606), was read the second time:

HOUSE BILL NO. 472

"An Act relating to claims for personal injury or wrongful death against health care providers; and providing for an effective date."

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with the:	Journal Page
JUD RPT CS(JUD) 2DP 2DNP 3NR	3079
FN1: ZERO(CED)	3079
FN2: ZERO(LAW)	3079

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. 472(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Croft:

Page 2, line 10, through page 3, line 1:

Delete all material and insert:

"* **Sec. 2.** AS 09.55.548 is amended by adding a new subsection to read:

(c) Notwithstanding any other provision of law, damages may not be awarded in an action against a health care provider for professional negligence."

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

Representative Anderson objected.

Representative Anderson placed a call of the House on the bill and lifted the call.

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 11:51 a.m.

AFTER RECESS

The Speaker called the House back to order at 1:47 p.m.

SECOND READING OF HOUSE BILLS
(continued)

HB 472

Amendment No. 1 was before the House.

Representative Anderson placed a call of the House on the bill.

The Speaker stated the call was satisfied.

Representative Croft moved and asked unanimous consent to withdraw Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representatives Stepovich, Gara, Seaton, Weyhrauch, and Kerttula:

Page 2, line 19, following "250,000":

Insert ", except that, in the case of severe permanent physical impairment or severe disfigurement, the damages may not exceed \$1,000,000. The limit on damages applies"

Page 2, line 25:

Delete "\$250,000"

Insert "the maximum amount allowed under (d) of this section"

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

Representative Anderson objected.

Amendment to Amendment No. 2 was offered by Representative Anderson:

Delete "1,000,000"

Insert "500,000"

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

Representative Croft objected.

Representatives Weyhrauch and McGuire moved and asked unanimous consent that they be allowed to abstain from voting because of a conflict of interest. Objection was heard, and the members were required to vote.

Representative Croft moved the previous question.

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

CSHB 472(JUD)

Second Reading

Amendment to Amendment No. 2

YEAS: 14 NAYS: 25 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Coghill, Fate, Foster, Harris, Hawker, Holm, McGuire, Meyer, Ogg, Rokeberg, Samuels, Stoltze, Wilson

Nays: Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Heinze, Joule, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, Morgan, Moses, Seaton, Stepovich, Weyhrauch, Williams, Wolf

Excused: Kapsner

And so, Amendment to Amendment No. 2 was not adopted.

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

CSHB 472(JUD)

Second Reading

Amendment No. 2

YEAS: 24 NAYS: 15 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Hawker, Heinze, Joule, Kerttula, Kohring, Kookesh, Kott, Masek, Morgan, Moses, Ogg, Rokeberg, Seaton, Stepovich, Weyhrauch, Williams, Wolf

Nays: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Holm, Lynn, McGuire, Meyer, Samuels, Stoltze, Wilson

Excused: Kapsner

And so, Amendment No. 2 was adopted.

Amendment No. 3 was offered by Representatives Stepovich, Gara, Seaton, Weyhrauch, and Kerttula

Page 3, line 24, through page 4, line 4:

Delete all material.

ReNUMBER the following bill sections accordingly.

Representative Gara moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Anderson objected.

Amendment to Amendment No. 3 was offered by Representative Gara:

Delete "line 24, through page 4, line 4":

Insert "lines 25 - 30"

Delete "bill sections"

Insert "subsections"

Representative Gara moved and asked unanimous consent that Amendment to Amendment No. 3 be adopted. There being no objection, it was so ordered.

Representative Rokeberg moved the previous question.

The question being: "Shall Amendment No. 3 as amended be adopted?" The roll was taken with the following result:

CSHB 472(JUD) am

Second Reading

Amendment No. 3 as amended

YEAS: 19 NAYS: 20 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kohring, Kookesh, Lynn, Masek, Moses, Ogg, Seaton, Stepovich, Weyhrauch, Wolf

Nays: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Kott, McGuire, Meyer, Morgan, Rokeberg, Samuels, Stoltze, Williams, Wilson

Excused: Kapsner

And so, Amendment No. 3 as amended was not adopted.

Amendment No. 4 was offered by Representatives Seaton, Wolf, and Stepovich:

Page 2, line 19:

Delete "250,000"

Insert "400,000"

Page 2, line 25:

Delete "250,000"

Insert "400,000"

Representative Seaton moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Anderson objected.

Amendment to Amendment No. 4 was offered by Representative Seaton:

Beginning with "Page 2, line 25:"

Delete all material.

Representative Seaton moved and asked unanimous consent that Amendment to Amendment No. 4 be adopted. There being no objection, it was so ordered.

The question being: "Shall Amendment No. 4 as amended be adopted?" The roll was taken with the following result:

CSHB 472(JUD) am
Second Reading
Amendment No. 4 as amended

YEAS: 20 NAYS: 19 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gruenberg, Guttenberg, Heinze, Joule, Kerttula, Kohring, Lynn, Masek, Morgan, Moses, Seaton, Stepovich, Weyhrauch, Wolf

Nays: Anderson, Chenault, Coghill, Fate, Foster, Gatto, Harris, Hawker, Holm, Kookesh, Kott, McGuire, Meyer, Ogg, Rokeberg, Samuels, Stoltze, Williams, Wilson

Excused: Kapsner

And so, Amendment No. 4 as amended was adopted.

Representative Dahlstrom moved and asked unanimous consent that the House rescind previous action in failing to adopt Amendment No. 3 as amended (page 3629). There being no objection, it was so ordered.

The question being: "Shall Amendment No. 3 as amended be adopted?" The roll was taken with the following result:

CSHB 472(JUD) am
Second Reading
Amendment No. 3 as amended

YEAS: 22 NAYS: 17 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gruenberg, Guttenberg, Heinze, Joule, Kerttula, Kohring, Kookesh, Lynn, Masek, Morgan, Moses, Seaton, Stepovich, Weyhrauch, Williams, Wolf

Nays: Anderson, Chenault, Coghill, Fate, Foster, Gatto, Harris, Hawker, Holm, Kott, McGuire, Meyer, Ogg, Rokeberg, Samuels, Stoltze, Wilson

Excused: Kapsner

And so, Amendment No. 3 as amended was adopted.

Amendment No. 5 was not offered.

Representative Coghill moved and asked unanimous consent that CSHB 472(JUD) am be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 472(JUD) am will advance to third reading on tomorrow's calendar.

ANNOUNCEMENTS

The following meetings today have been changed as indicated:

State Affairs Committee
CONTINUED: 4:15 p.m., 4/29

Transportation Committee
CANCELED: 1:30 p.m., 4/29

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 4:15 p.m.

AFTER RECESS

The Speaker called the House back to order at 5:36 p.m.

Representative Coghill moved and asked unanimous consent that Representative Kookesh be excused from a call of the House today at 6:15 p.m. There being no objection, it was so ordered.

SECOND READING OF HOUSE BILLS

(continued)

HB 474

The following, which had been on the April 28, 2004, calendar and not taken up (page 3606), was read the second time:

HOUSE BILL NO. 474

"An Act relating to civil liability associated with aircraft runways, airfields, and landing areas."

with the:	Journal Page
JUD RPT CS(JUD) 4DP 1DNP 1NR	3203
FN1: ZERO(DOT)	3203

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. 474(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was not offered.

Amendment No. 2 was offered by Representatives Holm and Kerttula:

Page 2, line 9, following "(2)":

Delete "**if**"
Insert "**is**"

Page 2, line 9, following "**charted**":

Delete "**is**"
Insert "**and**"

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

Objection was heard and withdrawn.

There being no further objection, Amendment No. 2 was adopted.

Representative Coghill moved and asked unanimous consent that CSHB 474(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 474(JUD) am was read the third time.

The question being: "Shall CSHB 474(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 474(JUD) am
Third Reading
Final Passage

YEAS: 36 NAYS: 1 EXCUSED: 1 ABSENT: 2

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

Nays: Gara

Excused: Kapsner

Absent: Anderson, McGuire

And so, CSHB 474(JUD) am passed the House.

Representative Gara later gave notice of reconsideration of the vote on CSHB 474(JUD) am, and reconsideration was taken up then.

HB 489

The following, which had been on the April 28, 2004, calendar and not taken up (page 3606), was read the second time:

HOUSE BILL NO. 489

"An Act relating to the administration of the Alaska Vocational Technical Center; and providing for an effective date."

with the:	Journal Page
L&C RPT 4DP 1NR	2983
FN1: ZERO(LWF)	2983
FIN RPT 6DP 2NR	3398
FN1: ZERO(LWF)	3399

Representative Coghill moved and asked unanimous consent that HB 489 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 489 was read the third time.

The question being: "Shall HB 489 pass the House?" The roll was taken with the following result:

HB 489
Third Reading
Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 1 ABSENT: 2

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

Excused: Kapsner

Absent: Anderson, McGuire

And so, HB 489 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 489 was referred to the Chief Clerk for engrossment.

HB 495

The following, which had been on the April 28, 2004, calendar and not taken up (page 3606), was read the second time:

HOUSE BILL NO. 495

"An Act relating to the four dam pool joint action agency; and providing for an effective date."

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with the:

Journal Page

FIN RPT CS(FIN) NT 7DP 3NR
FN1: ZERO(CED)

2809
2810

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. 495(FIN)

"An Act allowing a joint action agency to encumber property interests for security purposes; declaring certain joint action agencies to be political subdivisions for certain purposes; restricting the sale of property of the joint action agency; allowing the joint action agency to transfer property to security interest holders under a security interest or to other parties without legislative approval; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 495(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 495(FIN) was read the third time.

The question being: "Shall CSHB 495(FIN) pass the House?" The roll was taken with the following result:

CSHB 495(FIN)
Third Reading
Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 1 ABSENT: 2

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

Excused: Kapsner

Absent: Anderson, McGuire

And so, CSHB 495(FIN) passed the House.

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

CSHB 495(FIN) was referred to the Chief Clerk for engrossment.

RECONSIDERATION

HB 474

Representative Gara gave notice of reconsideration of the vote on CSHB 474(JUD) am (page 3634).

Representative Gara moved and asked unanimous consent that reconsideration of CSHB 474(JUD) am be taken up on the same day. There being no objection, it was so ordered.

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 474(JUD) am
"An Act relating to civil liability associated with aircraft runways, airfields, and landing areas."

The question to be reconsidered: "Shall CSHB 474(JUD) am pass the House?" The roll was taken with the following result:

CSHB 474(JUD) am--RECONSIDERATION

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 1 ABSENT: 2

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

Excused: Kapsner

Absent: Anderson, McGuire

And so, CSHB 474(JUD) am passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE BILLS
(continued)

HB 515

The following, which had been on the April 28, 2004, calendar and not taken up (page 3607), was read the second time:

HOUSE BILL NO. 515

"An Act relating to the regulation of municipal water and sewer utilities not in competition with other water and sewer utilities."

with the:	Journal Page
CRA RPT 1DP 4NR	2841
FN1: (CED)	2841
FN2: (CED)	2841
L&C RPT 2DP 4NR	2983
FN1: (CED)	2983
FN2: (CED)	2983
FIN RPT 1DP 1DNP 6NR	3478
FN1: (CED)	3479
FN2: (CED)	3479

Representative Coghill moved and asked unanimous consent that HB 515 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 515 was read the third time.

The question being: "Shall HB 515 pass the House?" The roll was taken with the following result:

HB 515
 Third Reading
 Final Passage

YEAS: 28 NAYS: 10 EXCUSED: 1 ABSENT: 1

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Fate, Foster, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Joule, Kerttula, Kohring, Kookesh, Kott, Lynn, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Wilson, Wolf

Nays: Dahlstrom, Gara, Gatto, Holm, Masek, Meyer, Stepovich, Stoltze, Weyhrauch, Williams

Excused: Kapsner

Absent: McGuire

And so, HB 515 passed the House and was referred to the Chief Clerk for engrossment.

HB 539

The following, which had been on the April 28, 2004, calendar and not taken up (page 3607), was read the second time:

HOUSE BILL NO. 539

"An Act exempting a person who allows a student of the University of Alaska to gain practical work experience with the person while participating in a practicum from vicarious liability as an employer, and exempting the student participating in a practicum from the Alaska Wage and Hour Act and workers' compensation coverage."

with the:	Journal Page
L&C RPT CS(L&C) NT 7AM	3362
FN1: ZERO(LAW)	3363
FN2: ZERO(LWF); FN3: ZERO(LWF)	3363
FN4: ZERO(UA)	3363
JUD RPT CS(L&C) NT 2DP 4NR	3442

FN1: ZERO(LAW)	3443
FN2: ZERO(LWF); FN3: ZERO(LWF)	3443
FN4: ZERO(UA)	3443

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. 539(L&C)

"An Act exempting a person who allows a student of the University of Alaska to gain practical work experience with the person while participating in a practicum from vicarious liability as an employer, and exempting the student participating in a practicum from the Alaska Wage and Hour Act; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 539(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 539(L&C) was read the third time.

The question being: "Shall CSHB 539(L&C) pass the House?" The roll was taken with the following result:

CSHB 539(L&C)

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Kapsner

April 29, 2004

3641

Absent: Moses

And so, CSHB 539(L&C) 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 539(L&C) was referred to the Chief Clerk for engrossment.

HB 540

The following, which had been on the April 28, 2004, calendar and not taken up (page 3607), was read the second time:

HOUSE BILL NO. 540

"An Act relating to workers' compensation insurance rates; and providing for an effective date."

with the:

Journal Page

L&C RPT CS(L&C) 3DP 4NR
FN1: ZERO(H.L&C/CED)

3479
3479

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. 540(L&C)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 540(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 540(L&C) was read the third time.

The question being: "Shall CSHB 540(L&C) pass the House?" The roll was taken with the following result:

CSHB 540(L&C)
Third Reading
Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Kapsner

Absent: Moses

And so, CSHB 540(L&C) 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 540(L&C) was referred to the Chief Clerk for engrossment.

**Representative Kookesh, who had been previously excused (page 3632), left the Chamber.

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

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

HB 561

HOUSE BILL NO. 561 by the House Finance Committee, entitled:

"An Act providing for and relating to the issuance of general obligation bonds in a principal amount of not more than \$1,000,000 for the purpose of paying the cost of state transportation projects; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR
(continued)

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 - Mary Pat Wyatt

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

Honoring - Alaska Young Marines

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

Honoring - Petersburg High School Lady Vikings Basketball Team

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

In Memoriam - Lawrence Landry

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

In Memoriam - Ronald Jay Swanson

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

In Memoriam - Rick D. Swanson

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

In Memoriam - Lawrence Lavon Thompson

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

In Memoriam - Margaret B. Lee

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

Honoring - Master Sergeant David Hudson as 2003 Pacific Air Command Air Force's (PACF) Enlisted Reservist of the Year

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

Honoring - Metlakatla High School Chiefs Boys Basketball Team

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

In Memoriam - Jake Ketscher, Esquire

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

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

In Memoriam - Roger A. Ceglie

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

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 Cissna - from 7:00 a.m., April 30 to 10:00 p.m., plane time, May 2, 2004

Representative Holm - from 6:00 p.m., April 30 to 10:00 a.m., plane time, May 3, 2004

Representative Kerttula - from 11:00 a.m. to 1:30 p.m., April 30, 2004

Representative Weyhrauch - from 12:30 p.m. to 2:00 p.m., April 30, 2004

HB 72

The Speaker added a Finance Committee referral to the following:

HOUSE BILL NO. 72

"An Act relating to the qualifications and appointment of members of the Board of Regents of the University of Alaska; and providing for an effective date."

HB 72 was removed from the Rules Committee and referred to the Finance Committee.

HB 176

The Speaker waived the Judiciary Committee referral for the following at the request of Representative McGuire, Chair:

HOUSE BILL NO. 176

"An Act providing that certain obligors can receive credit against their child support obligation for certain types of noncash child support; and providing for an effective date."

HB 176 was removed from the Judiciary Committee and referred to the Finance Committee.

HB 552

The Rules Committee submitted the following fiscal note:

5. Indeterminate, Dept. of Revenue

for the following:

CS FOR HOUSE BILL NO. 552(FIN)

"An Act relating to gambling and gaming."

HB 552 is in the Rules Committee.

HB 338

Representative Kookesh added his name as cosponsor to:

CS FOR HOUSE BILL NO. 338(HES)

"An Act relating to attendance at public school; and providing for an effective date."

HB 474

Representatives Ogg, Lynn, and Dahlstrom added their names as cosponsors to:

CS FOR HOUSE BILL NO. 474(JUD) am

"An Act relating to civil liability associated with aircraft runways, airfields, and landing areas."

HB 495

Representatives Ogg and Lynn added their names as cosponsors to:

CS FOR HOUSE BILL NO. 495(FIN)

"An Act allowing a joint action agency to encumber property interests for security purposes; declaring certain joint action agencies to be political subdivisions for certain purposes; restricting the sale of property of the joint action agency; allowing the joint action agency to transfer property to security interest holders under a security interest or to other parties without legislative approval; and providing for an effective date."

ENGROSSMENT**HB 298**

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 BILL NO. 298(FIN) am

"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."

HB 333

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

CS FOR HOUSE BILL NO. 333(FIN)

"An Act relating to an endowment for public education and the University of Alaska; relating to university land; and providing for an effective date."

HB 336

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

CS FOR HOUSE BILL NO. 336(JUD) am

"An Act relating to motor vehicle insurance; limiting recovery of civil damages by an uninsured driver; and providing for an effective date."

HB 338

CSHB 338(HES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 474

CSHB 474(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 489

HB 489 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 495

CSHB 495(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 515

HB 515 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 539

CSHB 539(L&C) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 540

CSHB 540(L&C) 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.

The following meeting today has been changed as indicated:

Finance Committee

CANCELED:

1:30 p.m., 4/29

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 30, 2004. There being no objection, the House adjourned at 6:46 p.m.

Suzi Lowell
Chief Clerk