

**HOUSE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-THIRD LEGISLATURE -- SECOND SESSION**

**Juneau, Alaska**

**Friday**

**April 30, 2004**

**One Hundred Tenth Day**

Pursuant to adjournment the House was called to order by Speaker Kott at 11:21 a.m.

Roll call showed 35 members present. Representative Cissna had been previously excused from a call of the House today. Representatives Berkowitz, Gara, Guttenberg, and Moses were absent and their presence was noted later.

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

"God is able to make all grace abound toward you; that ye, always having all sufficiency in all things, may abound to every good work."

II Corinthians 9:8

Let us pray.

Our Father - Mother God, we thank You that throughout this busy week You have given to each member of this house the strength, patience, and courage to faithfully do the work set before them. May they and their staff members each feel Your grace renewing and refreshing their spirits as they begin this new day's work. May we each feel Your presence quieting our thoughts so that we may discover within ourselves Your peace and harmony dissolving the stress that would intrude on this day. Open our hearts to see each other as You see us: individuals who are worthy of love and respect, each with an important contribution to make; and let

this uplifted view be reflected in our conversations and actions throughout this day. Let our confidence be in Your unerring guidance, knowing that when our thoughts are still and our hearts are listening, we will feel Your presence inspiring us with fresh ideas and molding our work to Your design so that it may be a blessing to everyone. In Christ's name we pray. Amen.

The Pledge of Allegiance was led by Representative Williams.

#### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 109th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

#### **MESSAGES FROM THE SENATE**

##### **HB 350**

A message dated April 29, 2004, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 350(STA)

"An Act adding personal injury and death from arson in the first degree to the injuries compensable by the Violent Crimes Compensation Board; and providing for an effective date."

CSHB 350(STA) was referred to the Chief Clerk for enrollment.

##### **HB 375**

A message dated April 29, 2004, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 375(FIN) am

"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."

namely:

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

The House members of the Conference Committee are Representatives Harris (Chair), Williams, and Croft (page 3584).

The Senate members of the Conference Committee are Senators Green, Wilken, and Hoffman (Senate Journal page 3082).

**HB 377**

A message dated April 29, 2004, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 377(FIN)  
"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 377(FIN)  
(same title)

The House members of the Conference Committee are Representatives Harris (Chair), Williams, and Croft (page 3601).

The Senate members of the Conference Committee are Senators Green, Wilken, and Hoffman (Senate Journal page 3083).

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

Messages dated April 22, 26, 27, 28, and 29 were read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS**

**SB 31**

CS FOR SENATE BILL NO. 31(RES) am by the Senate Resources Committee, entitled:

"An Act relating to a transportation corridor for extension of the Alaska Railroad to Canada and to extension of the Alaska Railroad to connect with the North American railroad system."

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

**SB 170**

CS FOR SENATE BILL NO. 170(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to murder in the second degree, the justification of defense of self or others, immunity from prosecution, sentencing, probation, discretionary parole, and the right to representation in certain criminal proceedings; relating to violation of a custodian's duty; relating to sexual abuse of a minor; relating to release of information concerning certain cases involving a minor; relating to local options regarding alcoholic beverages, the offense of furnishing or delivery of alcoholic beverages to a person under 21 years of age, and forfeiture of property used in, and money or other items of value used in financial transactions derived from, violation of certain laws relating to alcoholic beverages; relating to assault by means of a dangerous instrument; relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, to the refusal to submit to a chemical test, and to the presumptions concerning the chemical analysis of breath or blood; and providing for an effective date."

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

**SB 219**

CS FOR SENATE BILL NO. 219(JUD) am by the Senate Judiciary Committee, entitled:

"An Act relating to offenses against unborn children."

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

**SB 239**

CS FOR SENATE BILL NO. 239(HES) am by the Senate Health, Education & Social Services Committee, entitled:

"An Act relating to the required number of days or hours in session in a school year; and providing for an effective date."

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

**SB 303**

CS FOR SENATE BILL NO. 303(FIN) am by the Senate Finance Committee, entitled:

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

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

**SB 337**

CS FOR SENATE BILL NO. 337(L&C) by the Senate Labor & Commerce Committee, entitled:

"An Act relating to the powers of the Alaska Energy Authority to make grants and loans, to enter into contracts, and to improve, equip, operate, and maintain bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities and equipment; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the Alaska Energy Authority's investment of the power development fund; repealing the electrical service extension fund; and providing for an effective date."

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

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

**SB 340**

SENATE BILL NO. 340 by the Senate Rules Committee by request of the Governor, entitled:

"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."

(HB 487 - similar bill)

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

**SB 382**

CS FOR SENATE BILL NO. 382(CRA) am by the Senate Community & Regional Affairs Committee, entitled:

"An Act relating to replat approval; relating to the platting of right-of-way acquired through eminent domain proceedings; and providing for an effective date."

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

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

**SB 385**

CS FOR SENATE BILL NO. 385(JUD) am by the Senate Judiciary Committee, entitled:

"An Act relating to homeland security, to civil defense, to emergencies and to disasters, including disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of disease; establishing the Alaska division of homeland security and emergency management in the Department of Military and Veterans' Affairs and relating to the functions of that division and that department; and providing for an effective date."

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

**SB 387**

SENATE BILL NO. 387 am by the Senate 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.

**REPORTS OF STANDING COMMITTEES****HJR 48**

The Rules Committee has considered:

**HOUSE JOINT RESOLUTION NO. 48**

Sending a message of goodwill to President Chen Shui-bian, and reaffirming the Alaska State Legislature's 2003 resolution urging the United States Congress to support the granting of official Observer Status to the Republic of China and to support negotiation of a free trade agreement with the Republic of China.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 48(RLS)

Sending a message of goodwill to President Chen Shui-bian and to the people of Taiwan, and reaffirming the Alaska State Legislature's 2003 resolution urging the United States Congress to support the granting of official Observer Status to the Republic of China on Taiwan and to support negotiation of a free trade agreement with the Republic of China on Taiwan.

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

Do pass (5): Coghill, Kott, Morgan, McGuire, Rokeberg

No recommendation (2): Berkowitz, Kerttula

The following fiscal note(s) apply to CSHJR 48(RLS):

1. Zero, Legislative Agency

HJR 48 is on today's calendar.

**HB 327**

The State Affairs Committee has considered:

HOUSE BILL NO. 327

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 327(STA)

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; relating to a long-range program for highway construction and maintenance; repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; relating to the adoption of regulations regarding estimates of costs and benefits of transportation projects; and providing for an effective date."

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

Do pass (2): Holm, Seaton

Do not pass (1): Lynn

No recommendation (2): Gruenberg, Weyhrauch

The following fiscal note(s) apply to CSHB 327(STA):

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

HB 327 was referred to the Rules Committee for placement on the calendar.

**HB 381**

The Rules Committee has considered:

HOUSE BILL NO. 381  
"An Act relating to child endangerment."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 381(RLS)  
(same title)

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

Do pass (4): Coghill, Kott, McGuire, Kerttula

No recommendation (3): Berkowitz, Morgan, Rokeberg

The following fiscal note(s) apply to CSHB 381(RLS):

1. Zero, Alaska Court System
4. Zero, House Rules Committee/Dept. of Law
5. Zero, House Rules Committee/Dept. of Administration

HB 381 is on today's calendar.

**HB 459**

The Finance Committee has considered:

HOUSE BILL NO. 459

"An Act requiring an auditable paper trail for electronic voting machines; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 459(STA)

"An Act relating to optically scanned and electronically generated ballots; and providing for an effective date."

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

Do pass (9): Hawker, Joule, Croft, Moses, Chenault, Fate, Foster, Harris, Williams

No recommendation (1): Stoltze

The following fiscal note(s) apply to CSHB 459(STA):

1. Fiscal, Office of the Governor

HB 459 was referred to the Rules Committee for placement on the calendar.

**HB 542**

The Rules Committee has considered:

HOUSE BILL NO. 542

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

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 542(RLS)

"An Act reducing to \$5,000 the ceiling for a contract price allowed under one construction contractor exemption and expanding the work that a specialty contractor may perform to include, in addition to work requiring not more than three trades, work under that construction contractor exemption; and changing the definition of specialty contractor to refer to the work that a specialty contractor may perform."

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

Do pass (4): Coghill, Kott, McGuire, Rokeberg

No recommendation (3): Berkowitz, Morgan, Kerttula

The following fiscal note(s) apply to CSHB 542(RLS):

1. Zero, Dept. of Community & Economic Development

HB 542 is on today's calendar.

**HB 543**

The Rules 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(RLS)  
(same title)

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

Do pass (2): Kott, McGuire

No recommendation (5): Berkowitz, Coghill, Morgan, Kerttula, Rokeberg

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

2. Zero, House Rules Committee/Dept. of Health & Social Services

HB 543 is on today's calendar.

**SB 273**

The Finance Committee has considered:

CS FOR SENATE BILL NO. 273(FIN)

"An Act amending the size, membership, and powers of the board of directors of the Alaska Seafood Marketing Institute and making a corresponding change in the quorum requirement; authorizing the establishment of the seafood marketing assessment at a rate of 0.5 percent or 0.6 percent of the value of seafood products produced; providing for an election to retain, terminate, or increase the seafood marketing assessment; providing for the repeal of the salmon marketing tax and provisions related to the salmon marketing tax; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 273(FIN)  
(same title)

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

Do pass (6): Hawker, Chenault, Fate, Foster, Harris, Williams

No recommendation (5): Meyer, Stoltze, Joule, Croft, Moses

The following fiscal note(s) apply to HCS CSSB 273(FIN):

3. Indeterminate, Dept. of Revenue
5. Fiscal, Office of the Governor

CSSB 273(FIN) was referred to the Rules Committee for placement on the calendar.

**SB 274**

The Finance Committee has considered:

**SENATE BILL NO. 274**

"An Act relating to the housing assistance loan fund in the Alaska Housing Finance Corporation; creating the housing assistance loan program; repealing loans for teacher housing and providing for loans for multi-family housing; making conforming amendments; 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): Hawker, Meyer, Croft, Moses, Fate, Foster, Harris, Williams

No recommendation (2): Stoltze, Joule

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

SB 274 was referred to the Rules Committee for placement on the calendar.

**SB 286**

The Finance Committee has considered:

**CS FOR SENATE BILL NO. 286(FIN)**

"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."

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

Do pass (5): Meyer, Hawker, Fate, Foster, Williams

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

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue
2. Zero, Dept. of Fish & Game

CSSB 286(FIN) was referred to the Rules Committee for placement on the calendar.

**SB 295**

The Finance Committee has considered:

SENATE BILL NO. 295

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

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

Do pass (9): Meyer, Hawker, Stoltze, Croft, Chenault, Fate, Foster, Harris, Williams

No recommendation (2): Joule, Moses

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Natural Resources

SB 295 was referred to the Rules Committee for placement on the calendar.

**SB 305**

The Finance Committee has considered:

SENATE BILL NO. 305

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

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 305(FIN)  
(same title)

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

Do pass (6): Hawker, Moses, Fate, Foster, Joule, Williams

No recommendation (3): Stoltze, Chenault, Harris

The following fiscal note(s) apply to HCS SB 305(FIN):

1. Fiscal, Dept. of Natural Resources

SB 305 was referred to the Rules Committee for placement on the calendar.

**SB 315**

The Finance Committee has considered:

SENATE BILL NO. 315

"An Act relating to the administration of commercial fishing entry permit buy-back programs."

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

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

No recommendation (4): Stoltze, Croft, Moses, Fate

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

SB 315 was referred to the Rules Committee for placement on the calendar.

**SB 322**

The Finance Committee has considered:

SENATE BILL NO. 322

"An Act relating to the rate of the salmon enhancement tax."

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

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

No recommendation (4): Stoltze, Croft, Moses, Fate

The following fiscal note(s) apply:

2. Zero, House Finance Committee/Dept. of Revenue

SB 322 was referred to the Rules Committee for placement on the calendar.

**REPORTS OF SPECIAL COMMITTEES**

**HB 375**

The Conference Committee considering:

CS FOR HOUSE BILL NO. 375(FIN) am

"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."

and

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

requests limited powers of free conference on the following:

Allocations with Items Subject to Conference  
Language Subject to Conference  
Structural Changes Subject to Conference  
Mental Health Capital Projects Subject to Conference

The specific points are published in Senate and House Joint Journal Supplement No. 18.

The request was signed by Representatives Harris (Chair), Williams, Croft; and Senators Green, Wilken, Hoffman.

The Speaker granted the limited powers of free conference as requested.

The Chief Clerk notified the Senate.

**HB 377**

The Conference Committee considering:

CS FOR HOUSE BILL NO. 377(FIN)

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 377(FIN)  
(same title)

requests limited powers of free conference on the following:

Allocations with Items Subject to Conference  
Language Subject to Conference  
Structural Changes Subject to Conference  
Mental Health Capital Projects Subject to Conference

The specific points are published in Senate and House Joint Journal Supplement No. 18.

The request was signed by Representatives Harris (Chair), Williams, Croft; and Senators Green, Wilken, Hoffman.

The Speaker granted the limited powers of free conference as requested.

The Chief Clerk notified the Senate.

Without objection, the House advanced to:

### **UNFINISHED BUSINESS**

#### **SB 283**

The Speaker appointed Representatives Williams (Chair), Kott, and Joule to a Free Conference Committee to consider:

#### **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."

and

#### **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."

The Senate members of the Free Conference Committee are Senators Wilken, Therriault, and Hoffman (page 3570).

The Chief Clerk notified the Senate.

The Conference Committee with limited powers of free conference was discharged (page 3538).

#### **INTRODUCTION OF CITATIONS**

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

Honoring - Peter Christopher  
By Representatives Gatto, Stoltze

Honoring - Mary Combs  
By Representatives Gatto, Stoltze

Honoring - Sandra Dillon  
By Representatives Gatto, Stoltze

Honoring - Lumen Christi High School 2A Boys State Basketball Champions  
By Representatives Stoltze, Lynn

Honoring - Valley Hospital Women's Hockey Team  
By Representatives Gatto, Stoltze

Celebrating - First Presbyterian Church of Wrangell Alaska, 125 Years of Mission and Ministry  
By Representative Wilson; Senator Stedman

In Memoriam - Priscilla Bacon  
By Representatives Gatto, Stoltze

In Memoriam - Mary Richards Sarvela  
By Senator Stedman; Representative Wilson

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE BILLS**

**HB 275**

The following was read the second time:

HOUSE BILL NO. 275  
"An Act relating to veterinarians and animals."

with the: Journal Page

L&C RPT CS(L&C) NT 3DP 2NR 1AM	3160
FN1: ZERO(LAW)	3160
FN2: (DEC)	3160
RES REFERRAL WAIVED	3150
JUD RPT CS(JUD) NT 2DP 2NR	3356
FN1: ZERO(LAW)	3356
FN3: ZERO(DEC)	3356
FN4: ZERO(DPS)	3356
FN5: INDETERMINATE(ADM)	3356
FIN RPT CS(FIN) NT 5DP 6NR	3572
FN1: ZERO(LAW)	3572
FN3: ZERO(DEC)	3572
FN4: ZERO(DPS)	3572
FN5: INDETERMINATE(ADM)	3572

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. 275(FIN)  
"An Act relating to animals, and to the care of and to cruelty to animals."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 275(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 275(FIN) was read the third time.

The question being: "Shall CSHB 275(FIN) pass the House?" The roll was taken with the following result:

CSHB 275(FIN)  
Third Reading  
Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 1 ABSENT: 5**

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

Excused: Cissna

Absent: Croft, Heinze, McGuire, Weyhrauch, Wolf

And so, CSHB 275(FIN) passed the House and was referred to the Chief Clerk for engrossment.

#### **HB 427**

The following was read the second time:

##### 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."

with the: Journal Page

HES RPT CS(HES) 1DP 5AM	3278
FN1: (CED)	3279
JUD RPT CS(JUD) NT 7DP	3441
FN1: (CED)	3442
FN2: ZERO(CRT)	3442
FIN REFERRAL WAIVED	3501

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. 427(JUD)

"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 Rule 17(c), Alaska Rules of Civil Procedure, and Rules 16(f) and 17(e), Alaska Rules of Probate Procedure; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 427(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 427(JUD) was read the third time.

The question being: "Shall CSHB 427(JUD) pass the House?" The roll was taken with the following result:

CSHB 427(JUD)  
Third Reading  
Final Passage

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

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

Excused: Cissna

Absent: Ogg, Weyhrauch, Wolf

And so, CSHB 427(JUD) 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 court rule changes. 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. There being no objection, it was so ordered.

CSHB 427(JUD) was referred to the Chief Clerk for engrossment.

### **HB 443**

The following was read the second time:

#### HOUSE BILL NO. 443

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

with the:

Journal Page

HES RPT 4DP	3249
FN1: ZERO(REV)	3249
FIN REFERRAL WAIVED	3321

Representative Coghill moved and asked unanimous consent that HB 443 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 443 was read the third time.

The question being: "Shall HB 443 pass the House?" The roll was taken with the following result:

HB 443  
Third Reading  
Final Passage

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

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

Nay: Rokeberg

Excused: Cissna

Absent: Chenault, Ogg

And so, HB 443 passed the House and was referred to the Chief Clerk for engrossment.

### **HB 545**

The following was read the second time:

#### 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."

with the:	Journal Page
L&C RPT CS(L&C) NT 5DP 1AM	3400
FN1: ZERO(ADM)	3400
JUD RPT CS(L&C) NT 4DP	3521
FN1: ZERO(ADM)	3521

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. 545(L&C)

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

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 545(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 545(L&C) was read the third time.

The question being: "Shall CSHB 545(L&C) pass the House?" The roll was taken with the following result:

CSHB 545(L&C)  
Third Reading  
Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 1 ABSENT: 5**

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

Excused: Cissna

Absent: Chenault, Gara, Kerttula, Moses, Ogg

And so, CSHB 545(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 545(L&C) was referred to the Chief Clerk for engrossment.

**HB 342**

The following was read the second time:

HOUSE BILL NO. 342

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

with the:

Journal Page

JUD RPT CS(JUD) NT 3DP 4NR	2880
FN1: ZERO(CRT)	2880
FN2: ZERO(LAW)	2880
FN3: ZERO(DPS)	2880
FN4: INDETERMINATE(ADM)	2880
FN5: INDETERMINATE(COR)	2880
FIN RPT CS(FIN) NT 2DP 3NR 5AM	3573
FN1: ZERO(CRT)	3573
FN2: ZERO(LAW)	3573
FN3: ZERO(DPS)	3573
FN5: INDETERMINATE(COR)	3573
FN6: INDETERMINATE(ADM)	3573

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. 342(FIN)

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

There being no objection, it was so ordered.

Representative Gruenberg later declared a conflict of interest.

Amendment No. 1 was offered by Representative Croft:

Page 5, following line 1:

Insert a new bill section to read:

**/\* Sec. 5.** AS 28.35.030 is amended by adding a new subsection to read:

(s) If a person is convicted under (a) of this section and it is determined by the trier of fact that, as determined by a chemical test taken within four hours after the offense was committed,

(1) there was at least 0.16 percent by weight of alcohol in the person's blood but less than 0.24 percent by weight of alcohol in the person's blood or at least 160 milligrams of alcohol per 100 milliliters of blood, but less than 240 milligrams of alcohol per 100 milliliters of blood, or when there was at least 0.16 grams of alcohol per 210 liters of the person's breath, but less than 0.24 grams of alcohol per 210 liters of the person's breath, require the person to use an ignition interlock device as provided in AS 12.55.102 for a minimum of six months after the person regains the privilege, including any limited privilege, to operate a motor vehicle;

(2) there was 0.24 percent or more by weight of alcohol in the person's blood or 240 milligrams or more of alcohol per 100 milliliters of blood, or when there was 0.24 grams or more of alcohol per 210 liters of the person's breath, require the person to use an ignition interlock device as provided in AS 12.55.102 for a minimum of one year after the person regains the privilege, including any limited privilege, to operate a motor vehicle."

Renumber the following bill sections accordingly.

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

Representative Rokeberg objected and withdrew the objection.

There being no further objection, Amendment No. 1 was adopted.

Amendment No. 2 was offered by Representative Gatto:

Page 3, line 1:

Delete "or 28.35.032 [AND NOT FOR A VIOLATION OF AS 28.35.032]"

Insert "and not for a violation of AS 28.35.032"

Representative Gatto 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.

Amendment No. 3 was offered by Representative Chenault:

Page 3, line 8, following ";":

Insert "or"

Page 3, line 11, following "license":

Delete "; or"

(iii) the person lives in a community not connected by road to Anchorage and the license is limited to operation on roads not on a road system connected to Anchorage or Fairbanks; in this sub-subparagraph "road" or "road system" does not include a connection to the Alaska marine highway system"

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

Representative Williams objected and withdrew the objection.

There being no further objection, Amendment No. 3 was adopted.

Amendment No. 4 was offered by Representatives Croft and Lynn:

Page 4, following line 13:

Insert a new bill section to read:

"\* **Sec 4.** AS 28.35.030 (n) is amended to read:

(n) A person is guilty of a class C felony if the person is convicted under (a) of this section and has been previously convicted two or more times [SINCE JANUARY 1, 1996, AND WITHIN THE 10 YEARS PRECEDING THE DATE OF THE PRESENT OFFENSE]. For purposes of determining minimum sentences based on previous convictions, the provisions of (r)(4) of this section apply. Upon conviction, the court

(1) shall impose a fine of not less than \$10,000 and a minimum sentence of imprisonment of not less than

(A) 120 days if the person has been previously convicted twice;

(B) 240 days if the person has been previously convicted three times;

(C) 360 days if the person has been previously convicted four or more times;

(2) may not

(A) suspend execution of sentence or grant probation except on condition that the person serve the minimum imprisonment under (1) of this subsection; or

(B) suspend imposition of sentence;

(3) shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license subject to restoration of the license under (o) of this section;

(4) may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs, intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law;

(5) shall order forfeiture under AS 28.35.036 of the vehicle, watercraft, or aircraft used in the commission of the offense, subject to remission under AS 28.35.037; and

(6) shall order the department to revoke the registration for any vehicle registered by the department in the name of the person convicted under this subsection; if a person convicted under this subsection is a registered co-owner of a vehicle or is

registered as a co-owner under a business name, the department shall reissue the vehicle registration and omit the name of the person convicted under this subsection."

Renumber the following bill sections accordingly.

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

Representative Rokeberg objected.

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

CSHB 342(FIN) am  
Second Reading  
Amendment No. 4

**YEAS: 16 NAYS: 21 EXCUSED: 1 ABSENT: 2**

Yea: Berkowitz, Crawford, Croft, Dahlstrom, Gara, Guttenberg, Heinze, Joule, Kapsner, Kerttula, Kookesh, Kott, Lynn, Masek, Stoltze, Weyhrauch

Nay: Anderson, Chenault, Coghill, Fate, Foster, Gatto, Gruenberg, Hawker, Holm, Kohring, McGuire, Meyer, Morgan, Moses, Rokeberg, Samuels, Seaton, Stepovich, Williams, Wilson, Wolf

Excused: Cissna

Absent: Harris, Ogg

And so, Amendment No. 4 was not adopted.

Amendment No. 5 was offered by Representatives Croft, Kerttula, Gara, and Lynn:

Page 4, line 16, following "offense":

Insert "or at any time if the person has two or more prior convictions"

Representative Kerttula moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative Rokeberg objected.

\*\*Representative Weyhrauch, who had previously been excused (page 3646), left the Chamber.

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

CSHB 342(FIN) am  
Second Reading  
Amendment No. 5

**YEAS: 19 NAYS: 19 EXCUSED: 2 ABSENT: 0**

Yea: Berkowitz, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Joule, Kapsner, Kerttula, Kookesh, Lynn, Meyer, Moses, Ogg, Samuels, Stoltze

Nay: Anderson, Chenault, Coghill, Fate, Foster, Hawker, Heinze, Holm, Kohring, Kott, Masek, McGuire, Morgan, Rokeberg, Seaton, Stepovich, Williams, Wilson, Wolf

Excused: Cissna, Weyhrauch

And so, Amendment No. 5 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 342(FIN) am be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 342(FIN) am will advance to third reading on tomorrow's calendar.

**HB 552**

The following was read the second time:

HOUSE BILL NO. 552  
"An Act relating to gambling and gaming."

with the: Journal Page

FIN RPT CS(FIN) 2DP 1DNP 6NR 1AM	3444
FN1: INDETERMINATE(LAW)	3444
FN2: INDETERMINATE(REV)	3444
FN3: INDETERMINATE(DPS)	3444
FN4: INDETERMINATE(DPS)	3444

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. 552(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 552(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 552(FIN) will advance to third reading on tomorrow's calendar.

**HB 364**

The following was read the second time:

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."

with the: Journal Page

O&G RPT CS(O&G) NT 2DP 1NR 3AM	3205
FN1: INDETERMINATE(DNR)	3206
FIN REFERRAL REMOVED	3320
RES RPT CS(O&G) NT 5NR 2AM	3518
FN1: INDETERMINATE(DNR)	3519

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

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."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Kerttula and Croft:

Page 1, lines 1 - 5 (title amendment):

Delete all material and insert:

**"An Act establishing a moratorium on the issuance of state shallow natural gas leases in the vicinity of Kachemak Bay and within the Matanuska Susitna Borough, and directing the commissioner of natural resources to reacquire shallow natural gas leases on the Kenai Peninsula and the Matanuska Susitna Borough within the moratorium area; and providing for an effective date."**

Page 1, line 7 through page 3, line 31:

Delete all material and insert:

**" \* Section. 1.** AS 38.05.177(a) is amended to read:

"(a) The provisions of this section

(1) apply to gas, whether methane associated with and derived from coal deposits or otherwise, from a field if a part of the field is within 3,000 feet of the surface; and (2) do not apply to authorize lease of

(i) that is subject to an oil and gas exploration license or lease issued under AS 38.05.131 - 38.05.134; or

(ii) that is leased under AS 38.05.180;

(B) the land (i) that is proposed to be subject to an oil and gas exploration license or lease issued under AS 38.05.131 - 38.05.134; or (ii) that is described in and part of a proposed oil and gas leasing program prepared under AS 38.05.180(b); however, the commissioner may waive the limitations of this subparagraph;

(C) the land that is held under a coal lease entered into under AS 38.05.150, unless the applicant for a shallow natural gas lease is also the lessee under AS 38.05.150 of that land; [OR]

(D) the valid existing selections of the Alaska Mental Health Trust Authority made for the purpose of reconstituting the mental health trust established under the Alaska Mental Health Enabling Act, P.L. 84-830, 70 Stat. 709 (1956), that become subject to management under AS 38.05.801, or of land that has been designated by law for or is subject to designation for conveyance to the Alaska Mental Health Trust Authority; however, after consultation with the Alaska Mental Health Trust Authority, the commissioner may waive the limitations of this subparagraph;

**(E) land and water within the Kenai Peninsula Borough east of Cook Inlet and south of the north boundary of Township 5 South, Seward Meridian; or**

**(F) land within the Matanuska Susitna Borough.**

\* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REACQUISITION OF CERTAIN SHALLOW NATURAL GAS LEASES. (a) the commissioner of natural resources shall enter into negotiations to reacquire, by purchase in the name of the state, the title to or accountable interests in shallow natural gas leases entered into

under AS 38.05.177 before the effective date of this Act within the boundaries described in (d) of this section.

(b) In lieu of cash payment for a negotiated repurchase of a leasehold interest described in (a) of this section, the commissioner of natural resources may authorize a credit of the purchase price plus interest at the rate prescribed in AS 09.30.070 to be granted to the seller, to be applied against future lease bonus or rental payments, permit fees, royalties, or oil and gas taxes that may become owing on new production from other leases or property held by the seller for oil and gas development, including shallow natural gas development. The commissioner may also negotiate to reimburse, in like manner by credit provision a reasonable amount to compensate the lessee for expenses and other costs incurred by the lessee.

(c) If the commissioner of natural resources is unable to negotiate a satisfactory price for repurchase of a leasehold interest described in (a) of this section, the commissioner may acquire a leasehold interest described in (a) of this section through exercise of the power of eminent domain.

(d) The provisions of this section apply to shallow natural gas leases issued under AS 38.05.177 before the effective date of this Act on the land and water described in AS 38.05.177(a)(2)(E) and (F), added by sec. 2 of this Act.

**\* Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICATION OF SECTION 1 TO LAND CURRENTLY LEASED IN THE VICINITY OF KACHEMAK BAY AND WITHIN THE MATANUSKA SUSITNA BOROUGH FOR SHALLOW NATURAL GAS EXPLORATION AND DEVELOPMENT. The provisions of AS 38.05.177(a)(2)(E) and (F), added by sec. 2 of this Act, apply to prohibit the issuance or reissuance of a lease under AS 38.05.177 entered into before the effective date of this Act if the lease terminates because of the failure to extend the lease under AS 38.05.177(d) or if the lease terminates by the operation of AS 38.05.177(h).

**\* Sec. 4.** This Act takes effect immediately under AS 01.10.070(c)."

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

Representative Seaton objected.

Representative Kerttula moved and asked unanimous consent that she be allowed to abstain from voting on HB 364, HB 395, and HB 531 because of a conflict of interest. Objection was heard, and Representative Kerttula was required to vote.

Representative Croft placed a call of the House.

Representatives Meyer, Stepovich, Hawker, Chenault, and Seaton 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 Gruenberg declared a conflict of interest on HB 342 (page 3676).

Representative Croft lifted the call.

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

CSSSHB 364(O&G)

Second Reading

Amendment No. 1

**YEAS: 11 NAYS: 26 EXCUSED: 2 ABSENT: 1**

Yea: Berkowitz, Crawford, Croft, Gara, Gatto, Guttenberg, Harris, Kapsner, Kerttula, Kookesh, Stoltze

Nay: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gruenberg, Hawker, Holm, Joule, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Williams, Wilson, Wolf

Excused: Cissna, Weyhrauch

Absent: Heinze

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that CSSSHB 364(O&G) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSSHB 364(O&G) was read the third time.

The question being: "Shall CSSSHB 364(O&G) pass the House?" The roll was taken with the following result:

CSSSHB 364(O&G)  
Third Reading  
Final Passage

**YEAS: 33 NAYS: 3 EXCUSED: 2 ABSENT: 2**

Yea: Anderson, Berkowitz, Chenault, Coghill, Crawford, Croft, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kookesh, Kott, Lynn, Masek, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Williams, Wilson, Wolf

Nays: Dahlstrom, Kohring, McGuire

Excused: Cissna, Weyhrauch

Absent: Heinze, Stepovich

Dahlstrom changed from "Yea" to "Nay".

And so, CSSSHB 364(O&G) 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.

CSSSHB 364(O&G) was referred to the Chief Clerk for engrossment.

### **HB 381**

The following was read the second time:

HOUSE BILL NO. 381  
"An Act relating to child endangerment."

with the: Journal Page

HES RPT CS(HES) 1DP 1NR 3AM	3277
FN1: ZERO(CRT)	3277
FN2: INDETERMINATE(ADM)	3277
FN3: INDETERMINATE(LAW)	3277
JUD RPT CS(JUD) 4DP	3359
FN1: ZERO(CRT)	3360
FN2: INDETERMINATE(ADM)	3360
FN3: INDETERMINATE(LAW)	3360
FIN REFERRAL WAIVED	3585
RLS RPT CS(RLS) 4DP 3NR	3659
FN1: ZERO(CRT)	3659
FN4: ZERO(H.RLS/LAW)	3659
FN5: ZERO(H.RLS/ADM)	3659

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. 381(RLS)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 381(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 381(RLS) was read the third time.

The question being: "Shall CSHB 381(RLS) pass the House?" The roll was taken with the following result:

CSHB 381(RLS)  
Third Reading  
Final Passage

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

Yea: Anderson, Berkowitz, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Samuels, Seaton, Stoltze, Williams, Wilson, Wolf

Excused: Cissna, Weyhrauch

Absent: Heinze, Rokeberg, Stepovich

And so, CSHB 381(RLS) passed the House and was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 1:23 p.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 3:36 p.m.

#### **SECOND READING OF HOUSE BILLS** (continued)

##### **HB 395**

The following was read the second time:

##### HOUSE BILL NO. 395

"An Act relating to shallow natural gas leasing and the regulation of shallow natural gas operations."

with the:

Journal Page

O&G RPT CS(O&G) NT 1DP 3NR 1AM  
FN1: (DNR)

2936  
3034

RES RPT CS(RES) NT 2DP 3NR	3360
FN2: (DNR)	3360
JUD REFERRAL WAIVED	3472
FIN RPT CS(FIN) NT 6DP 1NR	3573
FN2: (DNR)	3574

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. 395(FIN)

"An Act relating to the recovery of shallow natural gas, to the regulation of shallow natural gas or coal bed methane operations, and to oil and gas leasing operations involving activities not governed under the Alaska Land Act; contingently redesignating shallow natural gas as nonconventional gas, and relating to the regulation of that gas under that contingency; and providing for an effective date."

There being no objection, it was so ordered.

Representative Kerttula declared a conflict of interest (page 3686).

Amendment No. 1 was offered by Representatives Harris and Gara:

Page 1, following line 6:

Insert a new bill section to read:

"\* **Section 1.** AS 29.40.040 is amended by adding a new subsection to read:

(c) Land use regulations of a municipality adopted under this section establishing allowable uses and limitations on nonconventional gas exploration and development activities, including limitations that protect neighborhoods, protect the safety of residents, and limit audible noise, shall be given effect to the fullest extent allowed under the Constitution of the State of Alaska."

Page 1, line 7:

Delete "**Section 1.**"

Insert "**Sec. 2.**"

Renumber the following bill sections accordingly.

Page 8, line 8, following "payment":

Insert ":

(3) unless provision is otherwise made in the lease by the Alaska Oil and Gas Conservation Commission under AS 31.05.030(j) that would govern the lessee's disposal of water produced from a coal seam as salt water or nonpotable water in a manner that does not add to or contaminate surface or subsurface water supplies, the lease must contain a term or condition that governs the lessee's disposal of the produced water in a manner that does not add to or contaminate surface water supplies; and

(4) the lease must contain a term or condition that protects the water quality, water quantity, and habitat of fish-bearing surface water; the term or condition may not take effect until approved by the commissioner of fish and game"

Page 9, line 3:

Delete "and"

Page 9, line 6, following "entry":

Insert ":

(5) for management and oversight of nonconventional gas, shall adopt regulations under AS 38.05.127(b) and this paragraph to ensure that exploration and development activities under a gas only lease for nonconventional gas do not materially interfere with the public's right to access and enjoy recreational waters, waters that contain appreciable quantities of resident or anadromous fish, and areas important to sport or subsistence hunting activities"

Page 12, line 14, following "entry":

Insert ";

(5) for management and oversight of nonconventional gas,

(A) the commissioner shall adopt regulations under AS 38.05.127(b) and this subparagraph to ensure that exploration and development activities under a gas only lease for nonconventional gas do not materially interfere with the

public's right to access and enjoy recreational waters, waters that contain appreciable quantities of resident or anadromous fish, and areas important to sport or subsistence hunting activities;

(B) unless provision is otherwise made in the lease by the Alaska Oil and Gas Conservation Commission under AS 31.05.030(j) that would govern the lessee's disposal of water produced from a coal seam as salt water or nonpotable water in a manner that does not add to or contaminate surface or subsurface water supplies, the lease must contain a term or condition that governs the lessee's disposal of the produced water in a manner that does not add to or contaminate surface water supplies; and

(C) the lease must contain a term or condition that protects the water quality, water quantity, and habitat of fish-bearing surface water; the term or condition may not take effect until approved by the commissioner of fish and game"

Page 17, line 31:

Delete "sec. 8"  
Insert "sec. 9"

Page 18, line 1:

Delete "sec. 9"  
Insert "sec. 10"  
Delete "sec. 10"  
Insert "sec. 11"

Page 18, line 2:

Delete "sec. 11  
Insert "sec. 12"

Page 18, line 3:

Delete "sec. 12"  
Insert "sec. 13"

Page 18, line 4:

Delete "secs. 8 - 12"  
Insert "secs. 9 - 13"

Page 18, line 12:

Delete "sec. 13"  
Insert "sec. 14"

Page 18, line 15:

Delete "Sections 2, 4, 6, 13, 16, 18, 20, 23, and 25"  
Insert "Sections 3, 5, 7, 14, 17, 19, 21, 24, and 26"

Page 18, line 20:

Delete "sec. 26"  
Insert "sec. 27"  
Delete "Sections 2, 4, 6, 13, 16, 18, 20, 23, and 25"  
Insert "Sections 3, 5, 7, 14, 17, 19, 21, 24, and 26"

Page 18, line 22:

Delete "sec. 26"  
Insert "sec. 27"

Page 18, line 26:

Delete "sec. 27"  
Insert "sec. 28"

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

Objection was heard.

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

CSHB 395(FIN)  
Second Reading  
Amendment No. 1

**YEAS: 28 NAYS: 9 EXCUSED: 1 ABSENT: 2**

Yea: Berkowitz, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kookesh, Lynn, Masek, Meyer, Morgan, Ogg, Samuels, Seaton, Stoltze, Weyhrauch, Wilson

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Nays: Anderson, Chenault, Coghill, Kohring, Kott, McGuire, Rokeberg, Stepovich, Wolf

Excused: Cissna

Absent: Moses, Williams

And so, Amendment No. 1 was adopted.

Representative Coghill moved and asked unanimous consent that CSHB 395(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 395(FIN) am was read the third time.

The question being: "Shall CSHB 395(FIN) am pass the House?" The roll was taken with the following result:

CSHB 395(FIN) am  
Third Reading  
Final Passage

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

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

Nays: Rokeberg

Excused: Cissna

And so, CSHB 395(FIN) 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.

Representative Rokeberg later gave notice of reconsideration of the vote on CSHB 395(FIN) am, and reconsideration was taken up then.

**HB 512**

The following was read the second time:

## HOUSE BILL NO. 512

"An Act establishing the Hydrogen Energy Partnership in the Department of Community and Economic Development; requiring the commissioner of community and economic development to seek public and private funding for the partnership; providing for the contingent repeal of an effective date; and providing for an effective date."

with the:

Journal Page

EDT RPT 4DP 1AM	2812
FN1: ZERO(UA)	2813
FN2: (CED)	2813
FIN RPT CS(FIN) 6DP	3478
FN1: ZERO(UA)	3478
FN3: (CED)	3478

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. 512(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 512(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 512(FIN) was read the third time.

The question being: "Shall CSHB 512(FIN) pass the House?" The roll was taken with the following result:

CSHB 512(FIN)  
Third Reading  
Final Passage

**YEAS: 37 NAYS: 1 EXCUSED: 1 ABSENT: 1**

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

Nay: Kohring

Excused: Cissna

Absent: Chenault

And so, CSHB 512(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 512(FIN) was referred to the Chief Clerk for engrossment.

**HB 531**

The following was read the second time:

HOUSE BILL NO. 531

"An Act relating to natural gas exploration and development and to nonconventional gas, and amending the section under which shallow natural gas leases may be issued; and providing for an effective date."

with the:	Journal Page
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O&G RPT CS(O&G) 7AM	3206
FN1: INDETERMINATE(DNR)	3206

## HOUSE JOURNAL

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3697

RES RPT CS(RES) 3DP 1DNP 3NR 2AM	3399
FN1: INDETERMINATE(DNR)	3399
FIN RPT CS(FIN) 4DP 5NR	3575
FN1: INDETERMINATE(DNR)	3575

The Rules Committee submitted the following updated fiscal note:

2. Fiscal, Dept. of Natural Resources

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. 531(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Kerttula declared a conflict of interest (page 3686).

Amendment No. 1 was offered by Representatives Croft and Kerttula:

Page 39, line 31 through page 40, line 6:

Delete all material and insert:

"(3) for a nonconventional gas lease, rights under the reservation as set out in AS 38.05.125 may not be exercised under the lease unless

(A) the owner and the state and its lessees, successors, or assigns reach a prior written agreement under which the state and its lessees, successors, or assigns may enter upon the land in the exercise of the reserved right; only one written agreement authorizing entry onto the land may be required under this subparagraph to authorize activity by the state and its lessees, successors, or assigns, or by their agents, attorneys, and servants as allowed under this subsection; an agreement entered into under this subparagraph is

(i) for the duration of the period of production or recovery operations unless the parties agree to a different duration; and

(ii) a covenant running with the land;

(B) the director, after notice and an opportunity to be heard, determines that, to exercise rights under the reservation and the lease, the lessee has no other reasonable means of entry than access and entry upon the land of the owner; the lessee has the burden of demonstrating compliance with this subparagraph; and

(C) the state, its lessees, successors, or assigns make provisions to pay the owner of the land full payment for all damages sustained by the owner by reason of entering upon the land for the purpose of exercising rights under the lease, by posting a surety bond determined by the owner and by the state, its lessees, successors, or assigns to be sufficient as to form, amount and security to secure to the owner payment for all damages, subject to the following:

(i) if a provision of this subparagraph conflicts with a requirement of AS 38.05.130, the provision of this subparagraph prevails; and

(ii) in addition to the coverage for actual damages required by AS 38.05.130 or this subparagraph, as appropriate, the parties shall make provision for payment of reasonable compensation to the owner for any loss by the owner of the owner's use and enjoyment of the property."

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

Representative Masek objected.

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

CSHB 531(FIN)  
Second Reading  
Amendment No. 1

**YEAS: 14 NAYS: 23 EXCUSED: 1 ABSENT: 2**

Yea: Berkowitz, Crawford, Croft, Gara, Gatto, Gruenberg, Harris, Kapsner, Kerttula, Kohring, Kookesh, Morgan, Moses, Stoltze

Nays: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Hawker, Heinze, Holm, Joule, Kott, Lynn, Masek, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson, Wolf

Excused: Cissna

Absent: Guttenberg, McGuire

And so, Amendment No. 1 was not adopted.

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

Page 48, line 4, following "gas":

Insert "leases issued under AS 38.05.177 and in effect on December 31, 2003."

Page 48, lines 5 - 7:

Delete all material.

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.

Amendment No. 3 was offered by Representatives Rokeberg and Joule:

Page 15, line 14, following "only":

Insert: "The commissioner may not issue an exploration license on land that is held under an existing coal lease entered into under AS 38.05.150 that has an active permit for exploration or mining unless the licensee under this subsection is also the lessee under AS 38.05.150 of that land."

Page 20, lines 9 - 10

Delete "[EXCEPT AS PROVIDED BY AS 38.05.177(a)(2)(C),]"

Insert "except as provided by AS 38.05.180(ff)(4) [AS 38.05.177(a)(2)(C)],"

Page 20, line 23:

Delete "A [NOTWITHSTANDING AS 38.05.177, A]"

Insert "Notwithstanding AS 38.05.180(ff) or AS 38.05.132(a) [AS 38.05.177], a"

Page 22, line 15, following "nonproduction;"

Insert "on application by the lessee, the director may extend the lease issued under this section for a period of not more than 10 years if the gas produced from the lease is to be used by the lessee solely for its mining operations;"

Page 40, line 6, following "paragraph":

Insert ";"

(4) the provisions of this subsection do not apply to authorize a lease for the recovery of nonconventional gas on land that is held under an existing coal lease entered into under AS 38.05.150 that has an active permit for exploration or mining unless the lessee under this subsection is also the lessee under AS 38.05.150 of that land."

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 3 was adopted.

Representative Coghill moved and asked unanimous consent that CSHB 531(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 531(FIN) am was read the third time.

The question being: "Shall CSHB 531(FIN) am pass the House?" The roll was taken with the following result:

CSHB 531(FIN) am

Third Reading

Final Passage

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

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

Nay: Kohring

Excused: Cissna

Absent: Anderson, Stepovich

And so, CSHB 531(FIN) 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 531(FIN) am was referred to the Chief Clerk for engrossment.

#### **RECONSIDERATION**

##### **HB 395**

Representative Rokeberg gave notice of reconsideration of the vote on CSHB 395(FIN) am (page 3694).

Representative Rokeberg moved and asked unanimous consent that reconsideration of CSHB 395(FIN) 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. 395(FIN) am**

"An Act relating to the recovery of shallow natural gas, to the regulation of shallow natural gas or coal bed methane operations, and to oil and gas leasing operations involving activities not governed under the Alaska Land Act; contingently redesignating shallow natural gas as nonconventional gas, and relating to the regulation of that gas under that contingency; and providing for an effective date."

The question to be reconsidered: "Shall CSHB 395(FIN) am pass the House?" The roll was taken with the following result:

CSHB 395(FIN) am--RECONSIDERATION  
Third Reading  
Final Passage

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

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

Excused: Cissna

Absent: Anderson, Stepovich

And so, CSHB 395(FIN) am passed the House on reconsideration.

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 395(FIN) am was referred to the Chief Clerk for engrossment.

**SECOND READING OF HOUSE BILLS**  
(continued)

**HB 542**

The following was read the second time:

HOUSE BILL NO. 542

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

with the:

Journal Page

L&C RPT 7DP	3295
FN1: ZERO(CED)	3295
RLS RPT CS(RLS) NT 4DP 3NR	3660
FN1: ZERO(CED)	3661

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. 542(RLS)

"An Act reducing to \$5,000 the ceiling for a contract price allowed under one construction contractor exemption and expanding the work that a specialty contractor may perform to include, in addition to work requiring not more than three trades, work under that construction contractor exemption; and changing the definition of specialty contractor to refer to the work that a specialty contractor may perform."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 542(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 542(RLS) was read the third time.

The question being: "Shall CSHB 542(RLS) pass the House?" The roll was taken with the following result:

CSHB 542(RLS)  
Third Reading  
Final Passage

**YEAS: 33 NAYS: 5 EXCUSED: 1 ABSENT: 1**

Yea: Anderson, Berkowitz, Chenault, Coghill, Crawford, Croft, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson

Nay: Fate, Kohring, Rokeberg, Stoltze, Wolf

Excused: Cissna

Absent: Heinze

Wolf changed from "Yea" to "Nay".

And so, CSHB 542(RLS) passed the House and was referred to the Chief Clerk for engrossment.

**HB 543**

The following was read the second time:

HOUSE BILL NO. 543

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

with the:

Journal Page

HES RPT CS(HES) 1DP 1DNP 4NR	3520
FN1: ZERO(H.HES)	3521
RLS RPT CS(RLS) 2DP 5NR	3661
FN2: ZERO(H.RLS/HSS)	3662

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. 543(RLS)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 543(RLS) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 543(RLS) will advance to third reading on tomorrow's calendar.

**HB 546**

The following was read the second time:

## HOUSE BILL NO. 546

"An Act relating to regulation of the discharge of pollutants from timber-related activities under the National Pollutant Discharge Elimination System; relating to waste treatment and disposal permits; making conforming amendments; and providing for an effective date."

with the:

Journal Page

RES RPT 6DP 3NR	3224
FN1: (DEC)	3224
JUD RPT CS(JUD) 6NR	3400
FN1: (DEC)	3401
FIN RPT CS(JUD) 4DP 7NR	3443
FN1: (DEC)	3444

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. 546(JUD)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 546(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 546(JUD) was read the third time.

The question being: "Shall CSHB 546(JUD) pass the House?" The roll was taken with the following result:

CSHB 546(JUD)  
Third Reading  
Final Passage

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

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

Excused: Cissna

Absent: Heinze, Wolf

And so, CSHB 546(JUD) 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 546(JUD) was referred to the Chief Clerk for engrossment.

**HB 551**

The following was read the second time:

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."

with the:	Journal Page
EDU RPT 1DP 1NR 2AM	3364
FN1: (EED)	3364
JUD RPT CS(JUD) NT 3DP 2NR	3521
FN1: (EED)	3522
FIN REFERRAL WAIVED	3584
RLS RPT CS(JUD) NT 3DP 4NR	3617
FN2: ZERO(H.RLS/EED)	3617

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. 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."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 551(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 551(JUD) will advance to third reading on tomorrow's calendar.

**HB 556**

The following was read the second time:

## 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."

with the:

Journal Page

TRA RPT CS(TRA) NT 2DP 1NR 1AM	3578
FN1: ZERO(CED)	3578
FIN RPT CS(FIN) NT 8DP 3NR	3618
FN1: ZERO(CED)	3618

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

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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."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 556(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 556(FIN) was read the third time.

The question being: "Shall CSHB 556(FIN) pass the House?" The roll was taken with the following result:

CSHB 556(FIN)  
Third Reading  
Final Passage

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

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

Excused: Cissna

Absent: Anderson

And so, CSHB 556(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 556(FIN) was referred to the Chief Clerk for engrossment.

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**HB 559**

The following was read the second time:

HOUSE BILL NO. 559

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

with the:

Journal Page

FIN RPT 6DP 1NR  
FN1: ZERO(LWF)

3522  
3523

Representative Coghill moved and asked unanimous consent that HB 559 be considered engrossed, advanced to third reading, and placed on final passage.

Representative Rokeberg objected.

HB 559 will advance to third reading on tomorrow's calendar.

\*\*Representative Holm, who had previously been excused (page 3646), left the Chamber.

**THIRD READING OF HOUSE BILLS**

**HB 421**

The following, which was advanced to third reading from the April 29, 2004, calendar (page 3623), was read the third time:

CS FOR HOUSE BILL NO. 421(JUD)  
"An Act relating to reconveyances of deeds of trust."

The question being: "Shall CSHB 421(JUD) pass the House?" The roll was taken with the following result:

CSHB 421(JUD)  
Third Reading  
Final Passage

**YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0**

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

Excused: Cissna, Holm

And so, CSHB 421(JUD) passed the House and was referred to the Chief Clerk for engrossment.

**HB 422**

The following, which was advanced to third reading from the April 29, 2004 calendar (page 3624), was read the third time:

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 question being: "Shall CSHB 422(STA) pass the House?" The roll was taken with the following result:

CSHB 422(STA)

Third Reading

Final Passage

**YEAS: 31 NAYS: 4 EXCUSED: 2 ABSENT: 3**

Yea: Anderson, Chenault, Coghill, Crawford, Croft, Fate, Foster, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, McGuire, Meyer, Morgan, Moses, Ogg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Berkowitz, Dahlstrom, Masek, Rokeberg

Excused: Cissna, Holm

Absent: Gara, Gatto, Joule

And so, CSHB 422(STA) 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.

Representative Berkowitz gave notice of reconsideration of the vote on CSHB 422(STA).

**HB 468**

The following, which was advanced to third reading from the April 29, 2004, calendar (page 3625), was read the third time:

**CS FOR HOUSE BILL NO. 468(JUD)**

"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."

The question being: "Shall CSHB 468(JUD) pass the House?" The roll was taken with the following result:

CSHB 468(JUD)

Third Reading

Final Passage

**YEAS: 21 NAYS: 14 EXCUSED: 2 ABSENT: 3**

Yea: Anderson, Chenault, Coghill, Crawford, Dahlstrom, Fate, Foster, Harris, Hawker, Heinze, Joule, Kott, Lynn, Masek, McGuire, Morgan, Seaton, Stepovich, Weyhrauch, Williams, Wolf

Nay: Berkowitz, Croft, Gara, Gruenberg, Kapsner, Kerttula, Kohring, Kookesh, Meyer, Moses, Ogg, Samuels, Stoltze, Wilson

Excused: Cissna, Holm

Absent: Gatto, Guttenberg, Rokeberg

Weyhrauch changed from "Nay" to "Yea".

Hawker changed from "Nay" to "Yea".

And so, CSHB 468(JUD) passed the House.

Representative Coghill moved the court rule changes.

The question being: "Shall the court rule changes be adopted?" The roll was taken with the following result:

CSHB 468(JUD)

Third Reading

Court Rules

**YEAS: 22 NAYS: 10 EXCUSED: 2 ABSENT: 6**

Yea: Anderson, Berkowitz, Chenault, Coghill, Crawford, Croft, Fate, Foster, Gatto, Gruenberg, Guttenberg, Harris, Kapsner, Kerttula, Kookesh, Kott, McGuire, Morgan, Rokeberg, Seaton, Stepovich, Williams

Nay: Dahlstrom, Gara, Hawker, Kohring, Lynn, Meyer, Ogg, Samuels, Stoltze, Weyhrauch

Excused: Cissna, Holm

Absent: Heinze, Joule, Masek, Moses, Wilson, Wolf

And so, lacking the necessary 27 votes, the court rule changes were not adopted and the new title follows:

CS FOR HOUSE BILL NO. 468(JUD)(ct rule fld)

"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; and providing for an effective date."

Representative Coghill moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSHB 468(JUD)(ct rule fld)

Third Reading

Effective Date

**YEAS: 31 NAYS: 6 EXCUSED: 2 ABSENT: 1**

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Yea: Anderson, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gatto, Gruenberg, Harris, Hawker, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Masek, McGuire, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nay: Berkowitz, Gara, Guttenberg, Lynn, Meyer, Moses

Excused: Cissna, Holm

Absent: Heinze

And so, the effective date clause was adopted.

Representative Anderson gave notice of reconsideration of the vote on CSHB 468(JUD)(ct rule fld).

**HB 472**

The following, which was advanced to third reading from the April 29, 2004, calendar (page 3632), was read the third time:

CS FOR HOUSE BILL NO. 472(JUD) am

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

The Speaker stated that, without objection, CSHB 472(JUD) am would be returned to the Rules Committee.

**SECOND READING OF HOUSE RESOLUTIONS**

**HJR 48**

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 48

Sending a message of goodwill to President Chen Shui-bian, and reaffirming the Alaska State Legislature's 2003 resolution urging the United States Congress to support the granting of official Observer Status to the Republic of China and to support negotiation of a free trade agreement with the Republic of China.

with the:

Journal Page

RLS RPT CS(RLS) NT 5DP 2NR  
FN1: ZERO(LEG)

3657  
3658

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

CS FOR HOUSE JOINT RESOLUTION NO. 48(RLS)

Sending a message of goodwill to President Chen Shui-bian and to the people of Taiwan, and reaffirming the Alaska State Legislature's 2003 resolution urging the United States Congress to support the granting of official Observer Status to the Republic of China on Taiwan and to support negotiation of a free trade agreement with the Republic of China on Taiwan.

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHJR 48(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 48(RLS) was read the third time.

The question being: "Shall CSHJR 48(RLS) pass the House?" The roll was taken with the following result:

CSHJR 48(RLS)

Third Reading

Final Passage

**YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0**

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

Excused: Cissna, Holm

And so, CSHJR 48(RLS) passed the House and was referred to the Chief Clerk for engrossment.

**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 459 PAPER TRAIL FOR ELECTRONIC VOTING  
MACHINE

**SECOND READING OF HOUSE BILLS****HB 459**

The following was read the second time:

HOUSE BILL NO. 459

"An Act requiring an auditable paper trail for electronic voting machines; and providing for an effective date."

with the:

Journal Page

STA RPT CS(STA) NT 5DP 1NR	3202
FN1: (GOV)	3202
FIN RPT CS(STA) NT 9DP 1NR	3660
FN1: (GOV)	3660

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. 459(STA)

"An Act relating to optically scanned and electronically generated ballots; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 459(STA) be considered engrossed, advanced to third reading, and placed on final passage.

Representative McGuire objected.

CSHB 459(STA) will be in third reading on tomorrow's calendar.

### **UNFINISHED BUSINESS**

Representative Coghill moved and asked unanimous consent that Representative Weyhrauch be excused from a call of the House from 8:00 a.m. to noon, May 1, 2004. There being no objection, it was so ordered.

#### **SJR 31**

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

##### **CS FOR SENATE JOINT RESOLUTION NO. 31(STA)**

Relating to urging the United States Congress to compensate the State of Alaska for the effect of federal land ownership on the state's ability to fund public education.

CSSJR 31(STA) was removed from the Resources Committee and referred to the Rules Committee for placement on the calendar.

#### **HB 523**

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

##### **HOUSE BILL NO. 523**

"An Act relating to qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early voting, absentee voting, ballot counting, voting by mail, initiative, referendum, recall, and definitions; and providing for an effective date."

HB 523 is in the State Affairs Committee with a further referral to the Finance Committee.

**SB 337**

The Speaker waived the Community & Regional Affairs Committee referral for the following at the request of Representative Morgan, Chair:

**CS FOR SENATE BILL NO. 337(L&C)**

"An Act relating to the powers of the Alaska Energy Authority to make grants and loans, to enter into contracts, and to improve, equip, operate, and maintain bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities and equipment; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the Alaska Energy Authority's investment of the power development fund; repealing the electrical service extension fund; and providing for an effective date."

CSSB 337(L&C) was removed from the Community & Regional Affairs Committee and referred to the Finance Committee.

**HB 275**

Representatives Hawker, Anderson, and Lynn added their names as cosponsors to:

**CS FOR HOUSE BILL NO. 275(FIN)**

"An Act relating to animals, and to the care of and to cruelty to animals."

**HB 342**

Representative Lynn added his name as cosponsor to:

**CS FOR HOUSE BILL NO. 342(FIN) am**

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

**HB 381**

Representatives Lynn and Dahlstrom added their names as cosponsors to:

CS FOR HOUSE BILL NO. 381(RLS)  
"An Act relating to child endangerment."

**HB 395**

Representative Lynn added his name as cosponsor to:

CS FOR HOUSE BILL NO. 395(FIN) am  
"An Act relating to the recovery of shallow natural gas, to the regulation of shallow natural gas or coal bed methane operations, and to oil and gas leasing operations involving activities not governed under the Alaska Land Act; contingently redesignating shallow natural gas as nonconventional gas, and relating to the regulation of that gas under that contingency; and providing for an effective date."

**HB 421**

Representative Dahlstrom added her name as cosponsor to:

CS FOR HOUSE BILL NO. 421(JUD)  
"An Act relating to reconveyances of deeds of trust."

**HB 427**

Representative Lynn added his name as cosponsor to:

CS FOR HOUSE BILL NO. 427(JUD)  
"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 Rule 17(c), Alaska Rules of Civil Procedure, and Rules 16(f) and 17(e), Alaska Rules of Probate Procedure; and providing for an effective date."

**HB 443**

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

## HOUSE BILL NO. 443

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

**HB 459**

Representatives Ogg, Dahlstrom, Chenault, Seaton, Stepovich, Kookesh, Kapsner, and Croft added their names as cosponsors to:

## CS FOR HOUSE BILL NO. 459(STA)

"An Act relating to optically scanned and electronically generated ballots; and providing for an effective date."

**HB 472**

Representative Gruenberg added his name as cosponsor to:

## CS FOR HOUSE BILL NO. 472(JUD) am

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

**HB 493**

Representative Lynn added his name as cosponsor to:

## HOUSE BILL NO. 493

"An Act relating to adoption and revision of a long-term fiscal plan for the State of Alaska."

**HB 512**

Representatives Lynn and Guttenberg added their names as cosponsors to:

## CS FOR HOUSE BILL NO. 512(FIN)

"An Act establishing the Hydrogen Energy Partnership in the Department of Community and Economic Development; requiring the commissioner of community and economic development to seek public and private funding for the partnership; providing for the contingent repeal of an effective date; and providing for an effective date."

**SB 219**

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

CS FOR SENATE BILL NO. 219(JUD) am  
"An Act relating to offenses against unborn children."

**HJR 9**

The following, which was engrossed and signed by the Speaker and Chief Clerk (page 3529), was transmitted to the Senate for consideration:

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**

The following, which was engrossed and signed by the Speaker and Chief Clerk (page 3529), was transmitted to the Senate for consideration:

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.

**HB 298**

The following, which was engrossed and signed by the Speaker and Chief Clerk (page 3648), was transmitted to the Senate for consideration:

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."

**ENGROSSMENT****HJR 48**

CSHJR 48(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 275**

CSHB 275(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 364**

CSSSHB 364(O&G) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 381**

CSHB 381(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 395**

CSHB 395(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 421**

CSHB 421(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 427**

CSHB 427(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 443**

HB 443 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 512**

CSHB 512(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 542**

CSHB 542(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 545**

CSHB 545(L&C) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 546**

CSHB 546(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 556**

CSHB 556(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**ANNOUNCEMENTS**

House committee schedules are published daily under separate cover.

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 1:00 p.m., May 1, 2004. There being no objection, the House adjourned at 6:26 p.m.

Suzi Lowell  
Chief Clerk