

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Friday

May 6, 2005

One Hundred Seventeenth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:34 a.m.

Roll call showed 24 members present. Representatives Anderson, Berkowitz, Croft, Dahlstrom, Gara, Kapsner, Kohring, Kott, LeDoux, Lynn, McGuire, Olson, Ramras, Rokeberg, Samuels, and Stoltze were absent and their presence was noted later.

The invocation was offered by the Chaplain, the Reverend George Silides of Holy Trinity Episcopal Church. Representative Joule moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With deep respect for the religious traditions of all Alaskans, I offer this prayer.

God, our Maker and giver of all good gifts, in the Hebrew and Christian scriptures we hear of miraculous feedings, thousands fed from what mortal eyes thought was not enough. Deliver us from "not enough" thinking - that one of us will have and therefore the other cannot have. Open our eyes to the abundance of this great land in natural resources, our eyes open to the riches of our people: the riches of imagination, industry, courage, and perseverance.

Lord, many are tired and lonely; teach us to be their friends. Many are anxious and afraid; help us to calm their fears. Others in their emptiness seek only wealth and fame and power; teach them to value other gifts than these. Some are

drained of faith; they are cynical, bored, or despairing; let us be worthy of their trust, respect, and confidence - let our faith in them bring renewed sense of purpose. And some live with death in their souls: they are stunned, violent, and filled with hate; give us wisdom to save them from the wastelands of the spirit. And teach us to show our love; let compassion and knowledge combine for the welfare of all - that all may know they are not alone.

O God, make us more conscious of Your gifts to us, and help us to see that no work truly prospers until it brings blessings to others. May we never withhold by accident or intention a share in the bounty that is ours, nor dispossess anyone of what they have earned by the labor of their days. Upon this house and its every member pour thy blessing, O Lord, of peace, of health, of courage, of joy in Your creation, and the living of their lives. Amen.

The Pledge of Allegiance was led by Representative Foster.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 115th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

HB 124

A message dated May 5, 2005, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE CS FOR HOUSE BILL NO. 124(JUD)

"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes; and providing for an effective date."

Chapter No. 12, SLA 2005
Effective Date: May 6, 2005

HB 198

A message dated May 5, 2005, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE BILL NO. 198(RES)(title am)
"An Act relating to aquatic plant and shellfish farming; and providing for an effective date."

Chapter No. 13, SLA 2005
Effective Date: July 1, 2005

SB 52

A message dated May 5, 2005, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR SENATE BILL NO. 52(L&C)
"An Act relating to certain functions of the division of banking, securities, and corporations and the division of occupational licensing in the Department of Commerce, Community, and Economic Development; relating to program receipts and record search fees of the Department of Commerce, Community, and Economic Development related to banking, securities, and corporations; and providing for an effective date."

Chapter No. 14, SLA 2005
Effective Date: See Chapter

**The presence of Representative Berkowitz was noted.

MESSAGES FROM THE SENATE**HCR 9**

A message dated May 5, 2005, was read stating the Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 9
Proclaiming Alaska Agriculture Day for 2005 and 2006.

HCR 9 was referred to the Chief Clerk for enrollment.

HJR 20

A message dated May 5, 2005, was read stating the Senate has passed:

HOUSE JOINT RESOLUTION NO. 20
Urging the United States Congress and the United States Food and
Drug Administration to assist in the prompt approval of new drug
applications for the treatment of prostate cancer.

HJR 20 was referred to the Chief Clerk for enrollment.

HB 213

A message dated May 5, 2005, was read stating the Senate has passed:

HOUSE BILL NO. 213
"An Act relating to alcohol server education."

HB 213 was referred to the Chief Clerk for enrollment.

HB 75

A message dated May 5, 2005, was read stating the Senate has passed
CSHB 75(FIN) with the following amendment and it is transmitted for
consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 75(FIN)
"An Act relating to the powers and duties of the commissioner of
fish and game, Board of Fisheries, and Board of Game in
promoting and preserving fishing, hunting, and trapping in the
state."

CSHB 75(FIN) is under Unfinished Business.

**The presence of Representative Anderson was noted.

HB 214

A message dated May 5, 2005, was read stating the Senate has passed CSHB 214(HES) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 214(STA)
"An Act relating to anatomical gifts and the anatomical gift donor registry program."

CSHB 214(HES) is under Unfinished Business.

**The presence of Representatives Olson, Dahlstrom, and Lynn was noted.

Messages dated May 5, 2005, were read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS**

SCR 14

SENATE CONCURRENT RESOLUTION NO. 14 by the Senate Community and Regional Affairs Committee:

Relating to the Advisory Commission on Local Government.

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

**The presence of Representative Ramras was noted.

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 124

CS FOR SENATE BILL NO. 124(L&C) by the Senate Labor and Commerce Committee, entitled:

"An Act relating to requirements to obtain and maintain a fisheries business license; relating to security required of fish processors and primary fish buyers; and providing for an effective date."

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

SB 125

CS FOR SENATE BILL NO. 125(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to the licensing, regulation, enforcement, and appeal rights of ambulatory surgical centers, assisted living homes, child care facilities, child placement agencies, foster homes, free-standing birth centers, home health agencies, hospices or agencies providing hospice services or operating hospice programs, hospitals, intermediate care facilities for the mentally retarded, maternity homes, nursing facilities, residential child care facilities, residential psychiatric treatment centers, runaway shelters, and rural health clinics; relating to possession of a firearm at licensed entities and facilities; relating to criminal history requirements, and a registry, regarding certain licenses, certifications, approvals, and authorizations by the Department of Health and Social Services; making conforming amendments; and providing for an effective date."

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

SB 128

SENATE BILL NO. 128 am by Senators Therriault, Olson, and Kookesh, entitled:

"An Act relating to consideration by the Local Boundary Commission of a requested borough incorporation."

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

**The presence of Representatives Gara, McGuire, Kohring, LeDoux, Kott, Croft, Samuels, Stoltze, and Rokeberg was noted.

REPORTS OF STANDING COMMITTEES**HB 193**

The Judiciary Committee has considered:

HOUSE BILL NO. 193

"An Act relating to the licensing, regulation, enforcement, and appeal rights of ambulatory surgical centers, assisted living homes, child care facilities, child placement agencies, foster homes, free-standing birth centers, home health agencies, hospices or agencies providing hospice services, hospitals, intermediate care facilities for the mentally retarded, maternity homes, nursing facilities, residential child care facilities, residential psychiatric treatment centers, and rural health clinics; relating to criminal history requirements, and a registry, regarding certain licenses, certifications, approvals, and authorizations by the Department of Health and Social Services; making conforming amendments; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 193(JUD)

"An Act relating to the licensing, regulation, enforcement, and appeal rights of ambulatory surgical centers, assisted living homes, child care facilities, child placement agencies, foster homes, free-standing birth centers, home health agencies, hospices or agencies providing hospice services or operating hospice programs, hospitals, intermediate care facilities for the mentally retarded, maternity homes, nursing facilities, residential child care facilities, residential psychiatric treatment centers, runaway shelters, and rural health clinics; relating to possession of a firearm at licensed entities and facilities; relating to criminal history requirements, and a registry, regarding certain licenses, certifications, approvals, and authorizations by the Department of Health and Social Services; making conforming amendments; and providing for an effective date."

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

Do pass (1): McGuire

No recommendation (4): Kott, Gruenberg, Dahlstrom, Coghill

Amend (2): Anderson, Gara

The following fiscal note(s) apply to CSHB 193(JUD):

1. Zero, Dept. of Health & Social Services
4. Zero, Dept. of Law

HB 193 was referred to the Finance Committee.

SB 110

The Finance Committee has considered:

CS FOR SENATE BILL NO. 110(FIN)(efd fld)
"An Act relating to regulation of the discharge of pollutants under
the National Pollutant Discharge Elimination System."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 110(FIN)
(same title)

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

Do pass (2): Kelly, Foster

No recommendation (6): Hawker, Croft, Holm, Stoltze, Meyer, Chenault

Amend (1): Weyhrauch

The following fiscal note(s) apply to HCS CSSB 110(FIN):

1. Zero, Dept. of Fish & Game
2. Zero, Dept. of Natural Resources

4. Zero, Dept. of Transportation & Public Facilities
5. Fiscal, Dept. of Environmental Conservation

CSSB 110(FIN)(efd fld) was referred to the Rules Committee for placement on the calendar.

SB 147

The Rules Committee has considered:

CS FOR SENATE BILL NO. 147(FIN)

"An Act providing for a sport fishing facility surcharge on sport fishing licenses; providing for the construction and renovation of state sport fishing facilities and for other projects beneficial to the sport fish resources of the state as a public enterprise; and authorizing the issuance of revenue bonds to finance those projects."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 147(RLS)
(same title)

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

Do pass (2): Coghill, Rokeberg

No recommendation (2): Kohring, Harris

The following fiscal note(s) apply to HCS CSSB 147(RLS):

5. Fiscal, Dept. of Fish & Game

CSSB 147(FIN) was returned to the Rules Committee for placement on the calendar.

SB 154

The Finance Committee has considered:

CS FOR SENATE BILL NO. 154(JUD)

"An Act relating to the jurisdiction for proceedings relating to delinquent minors and to telephonic and televised participation in those proceedings; amending Rules 2, 3, 4, 8, 12, 13, 14, 15, 16, 21, 22, 23, 24.1, and 25, Alaska Delinquency Rules; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 154(JUD)
(same title)

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

Do pass (8): Hawker, Croft, Stoltze, Moses, Holm, Weyhrauch, Foster, Chenault

The following fiscal note(s) apply to HCS CSSB 154(JUD):

1. Indeterminate, Dept. of Administration
2. Zero, Dept. of Law
3. Zero, Dept. of Health & Social Services
5. Indeterminate, Dept. of Administration

CSSB 154(JUD) was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - 60 Years of Service in the Priesthood, Father Hugh Hall
By Representative LeDoux; Senator Gary Stevens

Honoring - Top of the World Chorus
By Representative Gardner

Honoring - Skagway Panthers Girls Basketball Team
By Representative Thomas; Senator Kookesh

Honoring - James L. Baldwin
By Senator Elton; Representatives Kerttula, Weyhrauch

Honoring - Nulato Lady Wolves Basketball Team
By Senator Kookesh

Honoring - Bristol Bay 2A Girls Basketball Team, Bristol Bay
Borough
By Senator Hoffman

In Memoriam - Eric Otto Sonneman
By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Frank 'Dutch' Behrends
By Representatives Weyhrauch, Kerttula; Senator Elton

In Memoriam - Donald James Arndt
By Representative LeDoux; Senator Gary Stevens

In Memoriam - Dora Dushkin
By Representative Moses

In Memoriam - Mark Hiratsuka
By Representative Moses

In Memoriam - The Very Rev. Peter Bourdukofsky
By Representative Moses

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 303

HOUSE BILL NO. 303 by Representative Wilson, entitled:

"An Act expanding reimbursable waiver services under Medicaid
waivers for older Alaskans and adults with physical disabilities to

include adult companion services; and relating to legislative intent concerning eligibility and coverage for personal care attendant services."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 106

The following was read the second time:

HOUSE BILL NO. 106

"An Act establishing the senior care program and relating to that program; creating a fund for the provision of the senior care program; repealing ch. 3, SLA 2004; and providing for an effective date."

with the:

Journal Page

HES RPT CS(HES) 3DP 2NR	288
FN1: (HSS)	288
FN2: (HSS)	288
FN3: (HSS)	288
FN4: (HSS)	288
FIN RPT CS(FIN) 1DP 6NR	1607
FN5: (HSS)	1608
FN6: (HSS)	1608
FN7: (HSS)	1608
FN8: (HSS)	1608

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. 106(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 106(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 106(FIN) was read the third time.

**The presence of Representative Kapsner was noted.

The question being: "Shall CSHB 106(FIN) pass the House?" The roll was taken with the following result:

CSHB 106(FIN)
Third Reading
Final Passage

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

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, LeDoux, Lynn, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Absent: Kott, McGuire

And so, CSHB 106(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 106(FIN) was referred to the Chief Clerk for engrossment.

RECONSIDERATION

SB 67

Representative Kelly brought up reconsideration of the vote on HCS CSSB 67 (FIN) am H (page 1624).

The following was again before the House in third reading:

HOUSE CS FOR CS FOR SENATE BILL NO. 67(FIN) am H
"An Act relating to claims for personal injury or wrongful death
against health care providers."

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

The Speaker stated the call was satisfied.

Representative Gatto moved and asked unanimous consent that HCS
CSSB 67(FIN) am H be returned to second reading for the specific
purpose of considering Amendment No. 8. There being no objection,
it was so ordered.

Amendment No. 8 was offered by Representative Gatto:

Page 2, line 5:

Delete "Except as provided in (e) of this section, the"
Insert "The"

Page 2, line 7:

Delete "single injury may not exceed \$250,000"
Insert "single injury or death may not exceed \$350,000"

Page 2, lines 10 - 16:

Delete all material.

Reletter the following subsections accordingly.

Representative Gatto moved and asked unanimous consent that
Amendment No. 8 be adopted.

Representative Kelly objected.

The question being: "Shall Amendment No. 8 be adopted?" The roll
was taken with the following result:

HCS CSSB 67(FIN) am H--RECONSIDERATION
Second Reading
Amendment No. 8

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

Yeas: Croft, Dahlstrom, Gara, Gardner, Gatto, Joule, Kapsner, Kott, LeDoux, Lynn, Salmon, Seaton, Weyhrauch

Nays: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Elkins, Foster, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kelly, Kerttula, Kohring, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Thomas, Wilson

And so, Amendment No. 8 was not adopted.

Representative Dahlstrom moved and asked unanimous consent that HCS CSSB 67(FIN) am H be returned to second reading for the specific purpose of rescinding previous action in failing to adopt Amendment No. 1 (page 1617). There being no objection, it was so ordered.

Representative Dahlstrom moved and asked unanimous consent that the House rescind previous action in failing to adopt Amendment No. 1.

Representative Kelly objected.

The question being: "Shall the House rescind previous action in failing to adopt Amendment No. 1?" The roll was taken with the following result:

HCS CSSB 67(FIN) am H--RECONSIDERATION
Second Reading
Rescind Previous Action/Amendment No. 1

YEAS: 19 NAYS: 21 EXCUSED: 0 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Kott, LeDoux, Lynn, Salmon, Seaton, Weyhrauch

Nays: Anderson, Chenault, Coghill, Elkins, Foster, Harris, Hawker, Holm, Kelly, Kohring, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Thomas, Wilson

And so, the motion failed.

Representative LeDoux moved and asked unanimous consent that HCS CSSB 67(FIN) am H be returned to second reading for the specific purpose of considering Amendment No. 9. There being no objection, it was so ordered.

Amendment No. 9 was offered by Representatives LeDoux, Lynn, and Gruenberg:

Page 2, following line 30:

Insert a new bill section to read:

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

REPORT TO THE LEGISLATURE. The Division of Insurance shall issue a report to the legislature that addresses the impact of this Act on medical malpractice insurance availability and affordability not later than December 1, 2009."

Re-number the following bill sections accordingly.

Representative LeDoux moved and asked unanimous consent that Amendment No. 9 be adopted.

Representative Kelly objected.

The question being: "Shall Amendment No. 9 be adopted?" The roll was taken with the following result:

HCS CSSB 67(FIN) am H--RECONSIDERATION
Second Reading
Amendment No. 9

YEAS: 20 NAYS: 20 EXCUSED: 0 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Joule, Kapsner, Kerttula, Kott, LeDoux, Lynn, Salmon, Seaton, Weyhrauch

Nays: Anderson, Chenault, Coghill, Elkins, Foster, Hawker, Holm, Kelly, Kohring, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Thomas, Wilson

And so, Amendment No. 9 was not adopted.

Representative Coghill moved and asked unanimous consent that Representatives Joule and Weyhrauch be excused to 1:00 p.m., today. There being no objection, it was so ordered.

Representative Berkowitz moved and asked unanimous consent that HCS CSSB 67(FIN) am H be returned to second reading for the specific purpose of considering Amendment No. 10. There being no objection, it was so ordered.

Amendment No. 10 was offered by Representative Berkowitz:

Page 2, following line 30:

Insert a new subsection read:

"(h) The provisions of this bill shall sunset on January 1, 2010, unless the Alaska Division of Insurance determines this legislation has made medical malpractice insurance more affordable, or more widely available. The Division shall prepare a report addressing these issues by December 1, 2010, and that report shall address and answer each of the following questions:

(1) Have any of the provisions of Senate Bill 67 had an impact making medical malpractice insurance more affordable than it would have been without this legislation?

(2) Have any of the provisions of Senate Bill 67 had an impact making medical malpractice insurance more widely available than it would have been without this legislation?"

Reletter the following subsections accordingly.

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

Representative Kelly objected.

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

HCS CSSB 67(FIN) am H--RECONSIDERATION
Second Reading
Amendment No. 10

YEAS: 16 NAYS: 22 EXCUSED: 2 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Kapsner, Kerttula, LeDoux, Lynn, Salmon, Seaton

Nays: Anderson, Chenault, Coghill, Elkins, Foster, Harris, Hawker, Holm, Kelly, Kohring, Kott, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Thomas, Wilson

Excused: Joule, Weyhrauch

And so, Amendment No. 10 was not adopted.

HCS CSSB 67(FIN) am H was automatically in third reading.

The question to be reconsidered: "Shall HCS CSSB 67 (FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 67(FIN) am H--RECONSIDERATION
Third Reading
Final Passage

YEAS: 22 NAYS: 16 EXCUSED: 2 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kelly, Kohring, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Thomas, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Kapsner, Kerttula, Kott, LeDoux, Lynn, Salmon, Seaton

Excused: Joule, Weyhrauch

And so, HCS CSSB 67 (FIN) am H passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would recess to 2:00 p.m.; and so, the House recessed at 12:06 p.m.

AFTER RECESS

The Speaker called the House back to order at 3:03 p.m.

**The presence of Representative Weyhrauch, who was excused (page 1663), was noted.

RECONSIDERATION

SB 141

Representative Kelly brought up reconsideration of the vote on HCS CSSB 141(FIN) am H (fld H)(page 1625).

The following was again before the House in third reading:

HOUSE CS FOR CS FOR SENATE BILL NO. 141(FIN) am H
"An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement

system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date."

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

**The presence of Representative Joule, who was excused (page 1663), was noted.

The call was satisfied.

Representative Weyhrauch moved and asked unanimous consent that HCS CSSB 141(FIN) am H be returned to second reading for the specific purpose of considering Amendment No. 13. There being no objection, it was so ordered.

Amendment No. 13 was offered by Representative Weyhrauch:

Page 5, line 21:

Delete "**Teachers First Hired before July 1, 2005**"
Insert "**Teachers' Defined Benefit Retirement Plan**"

Page 5, line 23, following "July 1, 2005":

Insert "or members first hired on or after July 1, 2005, who choose under AS 14.25.315 to participate in the defined benefit plan"

Page 6, line 14, following "14.25.220":

Insert "unless they choose to do so under AS 14.25.315"

Page 15, line 13, following "July 1, 2005,":

Insert "who fail to choose under AS 14.25.315 to participate in the defined benefit plan"

Page 15, following line 14:

Insert new material to read:

"Sec. 14.25.315. Retirement plan choice. (a) A teacher who is first hired on or after July 1, 2005, may participate either in the defined benefits plan established in AS 14.25.009 - 14.25.220 or the defined contribution plan established in AS 14.25.310 -

14.25.590. The teacher may make a choice between the available retirement plans within 30 days after the date of employment, on a form provided by the administrator. If the teacher fails to make a timely choice under this section, the provisions of AS 14.25.310 - 14.25.590 shall apply to the teacher during the period of employment.

(b) After the 31st day of employment, the teacher may not change from one retirement plan to another. The retirement plan determined to apply on the 31st day of employment shall be considered to apply beginning on the first day the teacher is employed and the day the retirement plan is determined.

(c) A teacher who terminates employment and is later rehired by an employer may again exercise the option provided in this section only if, on the date of reemployment, the option in this section is available to all teachers first hired at the time the teacher is rehired.

(d) The administrator shall notify the employer of a teacher as soon as possible regarding the retirement plan applicable to that teacher, and the employer shall make the appropriate teacher and employer contributions required by the applicable retirement plan for that teacher."

Page 15, line 30, following "July 1, 2005,":

Insert "and fails under AS 14.25.315 to choose to participate in the defined benefit retirement plan"

Page 67, line 27:

Delete "**Public Employees First Hired before July 1, 2005**"

Insert "**Public Employees' Defined Benefit Retirement Plan**"

Page 67, lines 28 - 29:

Delete "**to employees first hired before July 1, 2005**"

Page 67, line 30, following "July 1, 2005":

Insert "or members first hired on or after July 1, 2005, who choose under AS 39.35.705 to participate in the defined benefit plan"

Page 84, line 29, following "July 1, 2005":

Insert ", who fail to choose to participate in the defined benefit plan under AS 39.35.705"

Page 84, following line 30:

Insert new material to read:

"Sec. 39.35.705. Retirement plan choice. (a) An employee who is first hired on or after July 1, 2005, may choose to participate either in the defined benefits plan established in AS 39.35.095 - 39.35.680 or the defined contribution plan established in AS 39.35.700 - 39.35.990. The employee may make a choice between the available retirement plans within 30 days after the date of employment, on a form provided by the administrator. If the employee fails to make a timely choice under this section, the provisions of AS 39.35.700 - 39.35.990 shall apply to the employee during the period of employment.

(b) After the 31st day of employment, the employee may not change from one retirement plan to another. The retirement plan determined to apply on the 31st day of employment shall be considered to apply beginning on the first day the employee is employed and the day the retirement plan is determined.

(c) A employee who terminates employment and is later rehired may again exercise the option provided in this section only if, at the time of rehire, the option in this section is available to all employees first hired at the time the employee is rehired.

(d) The administrator shall notify the employer of a employee as soon as possible regarding the retirement plan applicable to that employee, and the employer shall make the appropriate employee and employer contributions required by the applicable retirement plan for that employee."

Page 85, line 18, following "July 1, 2005,":

Insert "and fails under AS 39.35.705 to choose to participate in the defined benefit retirement plan"

Representative Weyhrauch moved and asked unanimous consent that Amendment No. 13 be adopted.

Representative Seaton objected.

The question being: "Shall Amendment No. 13 be adopted?" The roll was taken with the following result:

HCS CSSB 141(FIN) am H--RECONSIDERATION
Second Reading
Amendment No. 13

YEAS: 21 NAYS: 19 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kerttula, Kott, LeDoux, Lynn, Salmon, Weyhrauch

Nays: Chenault, Coghill, Foster, Gatto, Kapsner, Kelly, Kohring, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Wilson

And so, Amendment No. 13 was adopted.

Representative Seaton moved and asked unanimous consent that HCS CSSB 141(FIN) am H be returned to second reading for the specific purpose of considering Amendment No. 14. There being no objection, it was so ordered.

Amendment No. 14 was offered by Representative Seaton:

Page 86, line 11:
Delete "2.5"
Insert "2.8"

Page 86, line 13, following "insurance":
Insert "and death and disability benefits"

Representative Seaton moved and asked unanimous consent that Amendment No. 14 be adopted.

There was objection.

Representative Seaton moved and asked unanimous consent to withdraw Amendment No. 14. There being no objection, it was so ordered.

Representative Kelly moved and asked unanimous consent that HCS CSSB 141(FIN) am H be returned to second reading for the specific purpose of rescinding previous action in adopting Amendment No. 13.

Objection was heard and withdrawn. There being no further objection, HCS CSSB 141(FIN) am H was returned to second reading.

Representative Kelly moved and asked unanimous consent that the House rescind previous action in adopting Amendment No. 13.

Representative Croft objected.

The question being: "Shall the House rescind previous action in adopting Amendment No. 13?" The roll was taken with the following result:

HCS CSSB 141(FIN) am H--RECONSIDERATION

Second Reading

Rescind Previous Action/Amendment No. 13

YEAS: 20 NAYS: 20 EXCUSED: 0 ABSENT: 0

Yeas: Chenault, Coghill, Elkins, Foster, Gatto, Holm, Kapsner, Kelly, Kohring, McGuire, Meyer, Moses, Neuman, Olson, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Wilson

Nays: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Harris, Hawker, Joule, Kerttula, Kott, LeDoux, Lynn, Ramras, Salmon, Weyhrauch

Moses changed from "Nay" to "Yea".

And so, the motion failed.

Representative Kerttula moved and asked unanimous consent that HCS CSSB 141(FIN) am H be returned to second reading for the specific purpose of considering Amendment No. 15. There being no objection, it was so ordered.

Amendment No. 15 was offered by Representatives Kerttula, Gruenberg, and Cissna:

Page 79, lines 2 - 11:

Delete all material.

Renumber the following bill sections accordingly.

Representative Kerttula moved and asked unanimous consent that Amendment No. 15 be adopted.

There was objection.

The question being: "Shall Amendment No. 15 be adopted?" The roll was taken with the following result:

HCS CSSB 141(FIN) am H--RECONSIDERATION

Second Reading

Amendment No. 15

YEAS: 25 NAYS: 15 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kerttula, Kott, LeDoux, Lynn, McGuire, Salmon, Seaton, Weyhrauch, Wilson

Nays: Chenault, Elkins, Foster, Harris, Kelly, Kohring, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Thomas

And so, Amendment No. 15 was adopted.

HCS CSSB 141(FIN) am H was automatically in third reading.

The question to be reconsidered: "Shall HCS CSSB 141(FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 141(FIN) am H--RECONSIDERATION

Third Reading

Final Passage

YEAS: 24 NAYS: 16 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Elkins, Foster, Gatto, Harris, Holm, Kelly, Kohring, Kott, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Joule, Kapsner, Kerttula, LeDoux, Lynn, Salmon

And so, HCS CSSB 141(FIN) am H passed the House on reconsideration.

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:

HCS CSSB 141(FIN) am H--RECONSIDERATION

Third Reading

Effective Date

YEAS: 29 NAYS: 11 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Croft, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kapsner, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Crawford, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kerttula, Salmon

And so, the effective date clause was adopted.

HCS CSSB 141(FIN) am H was referred to the Chief Clerk for engrossment.

Representative Gatto moved and asked unanimous consent that the House revert to Introduction of Guests.

Representative Berkowitz objected and withdrew the objection. There being no further objection, the House reverted to Introduction of Guests.

SECOND READING OF HOUSE BILLS
(continued)

HB 243

The following was read the second time:

HOUSE BILL NO. 243

"An Act relating to the maximum annual regulatory cost charge collected from certain regulated public utilities and pipeline carriers; and providing for an effective date."

with the:	Journal Page
L&C RPT 1DP 4NR	1101
FN1: (CED)	1102
FIN RPT CS(FIN) NT 3DP 6NR	1578
FN2: INDETERMINATE(CED)	1578

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. 243(FIN)

"An Act relating to the financial plan for the intertie between the Swan Lake and Tyee Lake hydroelectric projects; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 243(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 243(FIN) was read the third time.

The question being: "Shall CSHB 243(FIN) pass the House?" The roll was taken with the following result:

CSHB 243(FIN)
Third Reading
Final Passage

YEAS: 34 NAYS: 2 EXCUSED: 0 ABSENT: 4

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Samuels, Seaton, Stoltze, Weyhrauch, Wilson

Nays: Kohring, Rokeberg

Absent: Croft, Guttenberg, Salmon, Thomas

And so, CSHB 243(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 243(FIN) was referred to the Chief Clerk for engrossment.

HB 280

The Speaker stated that, without objection, the following would be returned to the Rules Committee:

HOUSE BILL NO. 280

"An Act relating to the taxation of mining property; relating to contracts approved by municipalities for payments in lieu of taxes; and providing for an effective date."

SECOND READING OF SENATE BILLS

SB 16

The following was read the second time:

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 16(TRA)

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

with the:	Journal Page
FIN RPT 4DP 3NR	1432
FN1: ZERO(DOT)	1433
FN2: ZERO(DPS)	1433

Representative Coghill moved and asked unanimous consent that CSSSSB 16(TRA) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSSSSB 16(TRA) will advance to third reading on tomorrow's calendar.

SB 101

The following was read the second time:

CS FOR SENATE BILL NO. 101(JUD)

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

with the:	Journal Page
JUD RPT HCS(JUD) 5DP	1503
FN1: ZERO(GOV/ALL DEPTS)	1503

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

HOUSE CS FOR CS FOR SENATE BILL NO. 101(JUD)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 101(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 101(JUD) was read the third time.

The question being: "Shall HCS CSSB 101(JUD) pass the House?"
The roll was taken with the following result:

HCS CSSB 101(JUD)
Third Reading
Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 0 ABSENT: 6

Yeas: Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Absent: Chenault, Gara, Gardner, Kapsner, McGuire, Meyer

And so, HCS CSSB 101(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.

Representative Berkowitz gave notice of reconsideration of the vote on HCS CSSB 101(JUD).

SB 140

The following was read the second time:

CS FOR SENATE BILL NO. 140(JUD)

"An Act relating to spyware and unsolicited Internet advertising."

with the:	Journal Page
L&C RPT 2DP 5NR	1282
FN1: ZERO(ADM)	1282
FN2: ZERO(LAW)	1282
FN3: ZERO(DPS)	1282
JUD RPT 6DP 1NR	1325
FN1: ZERO(ADM)	1326
FN2: ZERO(LAW)	1326
FN3: ZERO(DPS)	1326
RLS RPT HCS(RLS) NT 7DP	1505
TITLE CHANGE: HCR 17	1505
FN1: ZERO(ADM)	1505
FN2: ZERO(LAW)	1505
FN3: ZERO(DPS)	1505

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

HOUSE CS FOR CS FOR SENATE BILL NO. 140(RLS)

"An Act relating to computers, computer communications, and the Internet."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 140(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 140(RLS) was read the third time.

The question being: "Shall HCS CSSB 140(RLS) pass the House?"
The roll was taken with the following result:

HCS CSSB 140(RLS)
Third Reading
Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 0 ABSENT: 3

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, Meyer, Moses, Neuman, Olson, Ramras, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Absent: Croft, McGuire, Rokeberg

And so, HCS CSSB 140(RLS) passed the House and was referred to the Chief Clerk for engrossment.

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

REPORTS OF STANDING COMMITTEES

SB 130

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 130(FIN) am

"An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits;

relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task Force on Workers' Compensation; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD)

"An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date."

(pending title change resolution)

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

Do pass (3): Kott, Coghill, Gara

No recommendation (3): Gruenberg, Dahlstrom, McGuire

Amend (1): Anderson

The following fiscal note(s) apply to HCS CSSB 130(JUD):

5. Zero, Alaska Court System
7. Zero, Dept. of Commerce, Community, & Economic Development
9. Zero, Legislative Agency
10. Fiscal, Dept. of Labor & Workforce Development
11. Fiscal, Dept. of Law
12. Fiscal, Dept. of Law
13. Fiscal, Dept. of Law

CSSB 130(FIN) am was referred to the Finance Committee.

SB 135

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 135(JUD)(efd am)

"An Act relating to the crimes of assault and custodial interference; and providing for an effective date."

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

Do pass (5): Gruenberg, Anderson, Dahlstrom, Coghill, McGuire

No recommendation (1): Kott

Amend (1): Gara

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Alaska Court System
3. Zero, Dept. of Law

CSSB 135(JUD)(efd am) was referred to the Finance Committee.

The House advanced to:

SECOND READING OF SENATE BILLS
(continued)

SB 155

The following was read the second time:

CS FOR SENATE BILL NO. 155(FIN)

"An Act making appropriations from the earnings reserve account for construction of an integrated science complex at the University of Alaska in Anchorage, for replacement of the virology laboratory in Fairbanks, for expansion of the Anchorage Museum of History and Art, for the major maintenance grant fund, and for other capital projects related to education; and providing for an effective date."

with the:

Journal Page

FIN RPT HCS(FIN) NT 5DP 3NR 1AM

1542

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

HOUSE CS FOR CS FOR SENATE BILL NO. 155(FIN)

"An Act making appropriations for construction of an integrated science complex at the University of Alaska in Anchorage, for replacement of the virology laboratory in Fairbanks, for expansion of the Anchorage Museum of History and Art, for the major maintenance grant fund, and for other capital projects related to education; and providing for an effective date."

(pending title change resolution)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 155(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HCS CSSB 155(FIN) will advance to third reading on tomorrow's calendar.

THIRD READING OF HOUSE BILLS

HB 107

The following, which was advanced to third reading from the May 5, 2005, calendar (page 1609), was read the third time:

CS FOR HOUSE BILL NO. 107(FIN)

"An Act relating to unlawful obstruction or hindrance of hunting, fishing, trapping, or viewing of fish or game; and amending Rule 82, Alaska Rules of Civil Procedure, and Rule 508, Alaska Rules of Appellate Procedure."

The question being: "Shall CSHB 107(FIN) pass the House?" The roll was taken with the following result:

CSHB 107(FIN)

Third Reading

Final Passage

YEAS: 31 NAYS: 5 EXCUSED: 0 ABSENT: 4

Yeas: Anderson, Berkowitz, Chenault, Crawford, Dahlstrom, Elkins, Foster, Gatto, Gruenberg, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kohring, Kott, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Cissna, Coghill, Gara, Guttenberg, Kerttula

Absent: Croft, Gardner, LeDoux, Seaton

And so, CSHB 107(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 court rule changes.

Representative Berkowitz objected.

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

CSHB 107(FIN)
Third Reading
Court Rules

YEAS: 29 NAYS: 6 EXCUSED: 0 ABSENT: 5

Yeas: Anderson, Berkowitz, Chenault, Crawford, Dahlstrom, Elkins, Gatto, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kohring, Kott, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Cissna, Coghill, Gara, Gruenberg, Guttenberg, Kerttula

Absent: Croft, Foster, Gardner, LeDoux, Seaton

And so, the court rule changes were adopted.

Representative Berkowitz gave notice of reconsideration of the vote on CSHB 107(FIN).

The Speaker stated that, without objection, the House would recess to 7:00 p.m.; and so, the House recessed at 6:06 p.m.

AFTER RECESS

The Speaker called the House back to order at 7:45 p.m.

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

REPORTS OF STANDING COMMITTEES

SB 130

The Finance Committee has considered:

CS FOR SENATE BILL NO. 130(FIN) am

"An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task

Force on Workers' Compensation; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD)

"An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date."

(pending title change resolution)

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

No recommendation (9): Hawker, Holm, Foster, Stoltze, Croft, Weyhrauch, Joule, Moses, Meyer

The following fiscal note(s) apply to HCS CSSB 130(JUD):

5. Zero, Alaska Court System
7. Zero, Dept. of Commerce, Community, & Economic Development
9. Zero, Legislative Agency
10. Fiscal, Dept. of Labor & Workforce Development
11. Fiscal, Dept. of Law
12. Fiscal, Dept. of Law
13. Fiscal, Dept. of Law

CSSB 130(FIN) am was referred to the Rules Committee for placement on the calendar.

SB 142

The Finance Committee has considered:

CS FOR SENATE BILL NO. 142(L&C)

"An Act relating to ownership of land by regional school boards; and providing for an effective date."

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

Do pass (1): Foster

No recommendation (9): Hawker, Holm, Stoltze, Moses, Weyhrauch, Joule, Croft, Meyer, Chenault

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development
2. Zero, Dept. of Transportation & Public Facilities

CSSB 142(L&C) was referred to the Rules Committee for placement on the calendar.

SB 144

The Finance Committee has considered:

CS FOR SENATE BILL NO. 144(RES)

"An Act relating to regulations, definitions, and permits under the emission control permit program; and providing for an effective date."

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

Do pass (2): Foster, Chenault

No recommendation (6): Hawker, Croft, Stoltze, Weyhrauch, Joule, Moses

The following fiscal note(s) apply:

1. Zero, Dept. of Environmental Conservation

CSSB 144(RES) was referred to the Rules Committee for placement on the calendar.

SB 150

The Finance Committee has considered:

CS FOR SENATE BILL NO. 150(HES)

"An Act relating to the Alaska children's trust grant awards."

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

Do pass (4): Croft, Weyhrauch, Moses, Foster

No recommendation (5): Hawker, Holm, Stoltze, Meyer, Chenault

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

CSSB 150(HES) was referred to the Rules Committee for placement on the calendar.

CONSIDERATION OF THE DAILY CALENDAR

(continued)

THIRD READING OF SENATE BILLS**SB 36**

Representative Coghill moved and asked unanimous consent that the following, which was advanced to third reading from the May 5, 2005, calendar (page 1612), be held to tomorrow's calendar:

HOUSE CS FOR CS FOR SENATE BILL NO. 36(JUD) am

"An Act relating to absentee ballots."

There being no objection, it was so ordered.

SECOND READING OF HOUSE RESOLUTIONS**HCR 16**

Representative Coghill moved and asked unanimous consent that the following, which was held to today's calendar (page 1627), be held to tomorrow's calendar:

HOUSE CONCURRENT RESOLUTION NO. 16

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 141, relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date.

There being no objection, it was so ordered.

HCR 17

Representative Coghill moved and asked unanimous consent that the following be held to tomorrow's calendar:

HOUSE CONCURRENT RESOLUTION NO. 17

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 140, relating to computers and the Internet.

There being no objection, it was so ordered.

THIRD READING OF SENATE RESOLUTIONS

SJR 16

Representative Coghill moved and asked unanimous consent that the following, which was advanced to third reading from the May 5, 2005, calendar (page 1630), be held to tomorrow's calendar:

SENATE JOINT RESOLUTION NO. 16

Supporting legislation before the United States Congress that reaffirms the right of the states to regulate hunting and fishing.

There being no objection, it was so ordered.

LEGISLATIVE CITATIONS

Representative Coghill moved and asked unanimous consent that the following citations be held to tomorrow's calendar. There being no objection, it was so ordered.

Honoring - Noel W. Woods, 60 Years in Alaska

By Representatives Kohring, Gatto, Neuman, Stoltze, Harris, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kott, LeDoux, Lynn, McGuire, Meyer, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Thomas, Weyhrauch, Wilson; Senators Green, Huggins

Honoring - David J. Parks

By Representatives Gatto, Stoltze, Neuman, Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Thomas, Weyhrauch, Wilson; Senators Green, Huggins

Honoring - Barbara Hall

By Representatives Ramras, Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, McGuire, Meyer, Neuman, Olson, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

In Memoriam - Robert "Bobby" Storrs

By Representatives Seaton, Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kerttula, Kott, LeDoux, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Stoltze, Thomas, Weyhrauch, Wilson; Senator Hoffman

In Memoriam - Donald Alton Stump

By Senator Dyson; Representatives Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kerttula, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

UNFINISHED BUSINESS**HJR 17**

The Speaker stated that, without objection, reconsideration (page 1627) of the following be held one legislative day:

CS FOR HOUSE JOINT RESOLUTION NO. 17(RES)
Opposing the Federal Lands Recreation Enhancement Act.

HB 272

The Speaker stated that, without objection, reconsideration of the following, which had been held to today (page 1629), be held to May 7, 2005:

CS FOR HOUSE BILL NO. 272(FIN) am

"An Act relating to card rooms and card operations, and permitting issuance of a license to own a card room and conduct card games in a municipality of the state if the municipality has adopted an ordinance, ratified by a majority of the municipal voters voting on the question, authorizing card rooms and card games in that municipality."

HB 107

Representative Neuman added his name as cosponsor to:

CS FOR HOUSE BILL NO. 107(FIN)

"An Act relating to unlawful obstruction or hindrance of hunting, fishing, trapping, or viewing of fish or game; and amending Rule 82, Alaska Rules of Civil Procedure, and Rule 508, Alaska Rules of Appellate Procedure."

SB 135

Representative Dahlstrom added her name as cross sponsor to:

CS FOR SENATE BILL NO. 135(JUD)(efd am)

"An Act relating to the crimes of assault and custodial interference; and providing for an effective date."

SB 154

Representatives Chenault, Holm, Stoltze, and Croft added their names as cross sponsors to:

CS FOR SENATE BILL NO. 154(JUD)

"An Act relating to the jurisdiction for proceedings relating to delinquent minors and to telephonic and televised participation in those proceedings; amending Rules 2, 3, 4, 8, 12, 13, 14, 15, 16, 21, 22, 23, 24.1, and 25, Alaska Delinquency Rules; and providing for an effective date."

SB 155

Representative Thomas removed his name as cross sponsor to:

HOUSE CS FOR CS FOR SENATE BILL NO. 155(FIN)

"An Act making appropriations for construction of an integrated science complex at the University of Alaska in Anchorage, for replacement of the virology laboratory in Fairbanks, for expansion of the Anchorage Museum of History and Art, for the major maintenance grant fund, and for other capital projects related to education; and providing for an effective date."

ENGROSSMENT**HB 106**

CSHB 106(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 243

CSHB 243(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 67

HCS CSSB 67(FIN) am H was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 140

HCS CSSB 140(RLS) was engrossed and signed by the Speaker and Chief Clerk.

SB 141

HCS CSSB 141(FIN) am H was engrossed.

ANNOUNCEMENTS

With the appointment of a Conference Committee on the operating budget, Rule 23(d) of the Uniform Rules is in effect as of April 19, 2005. Submit written notice of a meeting by 4:00 p.m. to the Chief Clerk's office for publication in the next day's committee schedule.

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., May 7, 2005. There being no objection, the House adjourned at 7:50 p.m.

Suzi Lowell
Chief Clerk