

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION

Juneau, Alaska

Sunday

May 15, 2005

Fifth Day

The House was called to order by Speaker Harris at 3:26 p.m.

Roll call showed 35 members present. Representatives Joule, Kapsner, and Salmon were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representatives Holm and Ramras be excused from a call of the House today. There being no objection, it was so ordered.

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

With respect for all beliefs and traditions, I offer this prayer from Francis Greenwood Peabody:

Almighty God, whose laws are our guide and whose love brings us peace of mind, we turn to You from the perplexities and uncertainties which daily beset us, and pray for relief from disquieting fears. We are bewildered by the confusions of the world; despondency paralyzes our power; our decisions falter under the strain of self-distrust; and our hearts fail from fear.

Restore to our lives the sanity and courage we sorely need. Lead our anxious hearts to the deeper meaning of experience, so our trust in You expels our infidelity toward life, and tranquility

conquers our restlessness because You have given us the spirit not of disabling fear but of power and of love and of a sound mind. Amen.

The Pledge of Allegiance was led by Representative Guttenberg.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 4th legislative day of the First Special Session be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

SB 133

A message dated May 14, 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 BILL NO. 133

"An Act establishing the Aviation Advisory Board; and providing for an effective date."

Chapter No. 18, SLA 2005

Effective Date: May 15, 2005

A Declaration of Disaster Emergency dated May 13, 2005, with an accompanying letter was received and is on file in the Chief Clerk's office. The Declaration and letter had been copied to the Finance Committee.

MESSAGES FROM THE SENATE

HB 147

A message dated May 13, 2005, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 147(FIN) am

"An Act relating to notice of suspension or revocation of an insurer's certificate of authority and the effect of the suspension or revocation upon the authority of agents and managing general agents of the insurer; relating to certain deposits under AS 21; relating to the yielding of assets and securities held on deposit; relating to third-party administrators under AS 21; relating to insurance agents, managing general agents, reinsurance intermediary managers, and insurance producers; requiring the director of insurance to notify a licensee of a license renewal before the renewal date; defining the term 'appointment' as used in part of AS 21; relating to the eligibility to provide coverage by a nonadmitted insurer and alien insurer; relating to surplus lines insurance and brokers; relating to misrepresentations and false advertising concerning insurance; relating to health discount plans; providing for limitations on owner controlled and contractor controlled insurance programs and limiting the coverage of those programs; prohibiting excessive, inadequate, or unfairly discriminatory rate charges for health insurance; defining the term 'plan administrator' as used in part of AS 21; defining the term 'transact' as used in AS 21; authorizing the director of insurance to designate a person to receive annual reports from companies; reducing the period for filing a quarterly financial statement; and providing for an effective date."

namely:

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

The President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Therriault, Chair
Senator Stedman
Senator Ellis

The House members of the Conference Committee are Representatives Rokeberg (Chair), Anderson, and Gardner (page 2005).

HB 94

A message dated May 14, 2005, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 94(FIN) am

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; and relating to incorporation elections."

namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 94(STA)
(same title)

The President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Gary Stevens, Chair
Senator Therriault
Senator Elton

The House members of the Conference Committee are Representatives Samuels (Chair), Elkins, and Gruenberg (page 2006).

SB 73

A message dated May 14, 2005, was read stating the Senate has failed to concur in the House amendment to:

CS FOR SENATE BILL NO. 73(FIN) am

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates

of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

namely:

CS FOR SENATE BILL NO. 73(FIN) am H

"An Act relating to reimbursement of municipal bonds for school construction; relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; authorizing financing for certain public transportation projects; giving notice of and approving the entry into, and the issuance of revenue obligations that provide participation in, lease-financing agreements for those transportation projects; and providing for an effective date."

(HCR 24 - title change resolution)

and respectfully requests the House to recede from its amendment.

In the event the House fails to recede, the President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Wilken, Chair
Senator Huggins
Senator Guess

CSSB 73(FIN) am H is under Unfinished Business.

SB 130

A message dated May 13, 2005, was read stating the President has granted limited powers of free conference to the Senate members of the Conference Committee considering:

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

"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."

(HCR 19 - title change resolution)

and

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."

The Speaker had previously granted the limited powers of free conference as requested (page 1988).

A message dated May 13, 2005, was read stating the Senate has adopted the Conference Committee with limited powers of free conference report on HCS CSSB 130(JUD) am H and CSSB 130(FIN) am, thus adopting:

CONFERENCE CS FOR SENATE BILL NO. 130

"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."

The report is under Unfinished Business (page 1991).

HB 130

A message dated May 13, 2005, was read stating the Senate has adopted the Conference Committee with limited powers of free conference report on CSHB 130(FIN) am and SCS CSHB 130(FIN), thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 130 (efd fld S)

"An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest."

(technical title change)

The Senate adopted a Legislative letter of intent (page 1015).

The report is under Unfinished Business (page 1988).

SB 141

A message dated May 14, 2005, was read stating the Senate has adopted the Free Conference Committee report on HCS CSSB 141(FIN) am H and CSSB 141(FIN), thus adopting:

FREE CONFERENCE CS FOR SENATE BILL NO.
141(Corrected)

"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, 2006; 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."

The report is under Unfinished Business (page 2009).

**The presence of Representative Kapsner was noted.

RECEDE**SB 73**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 2018) on the following:

CS FOR SENATE BILL NO. 73(FIN) am H

"An Act relating to reimbursement of municipal bonds for school construction; relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; authorizing financing for certain public transportation projects; giving notice of and approving the entry into, and the issuance of revenue obligations that provide participation in, lease-financing agreements for those transportation projects; and providing for an effective date."

(HCR 24 - title change resolution)

and

CS FOR SENATE BILL NO. 73(FIN) am

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved that the House recede from its amendment to CSSB 73(FIN) am, namely CSSB 73(FIN) am H, and recommended that the members vote no.

The question being: "Shall the House recede from its amendment to CSSB 73(FIN) am?" The roll was taken with the following result:

CSSB 73(FIN) am H

Recede

YEAS: 0 NAYS: 36 EXCUSED: 2 ABSENT: 2

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

Excused: Holm, Ramras

Absent: Joule, Salmon

And so, the House failed to recede.

The Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Meyer, Chair
Representative Kelly
Representative Gruenberg

The Chief Clerk notified the Senate.

REPORTS OF SPECIAL COMMITTEES

HB 94

The Conference Committee considering CSHB 94(FIN) am and SCS CSHB 94(STA) recommends the following be adopted:

CONFERENCE CS FOR HOUSE BILL NO. 94

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; and relating to incorporation elections."

The report was signed by Representatives Samuels (Chair), Elkins, Gruenberg; and Senators Gary Stevens (Chair), Therriault, Elton.

The following fiscal note(s) apply to CCS HB 94:

3. Fiscal, Office of the Governor

The report is under Unfinished Business.

HB 147

The Conference Committee considering CSHB 147(FIN) am and SCS CSHB 147(FIN) recommends the following be adopted:

CONFERENCE CS FOR HOUSE BILL NO. 147

"An Act relating to notice of suspension or revocation of an insurer's certificate of authority and the effect of the suspension or revocation upon the authority of agents and managing general agents of the insurer; relating to certain deposits under AS 21; relating to the yielding of assets and securities held on deposit; relating to third-party administrators under AS 21; relating to insurance agents, managing general agents, reinsurance intermediary managers, and insurance producers; requiring the director of insurance to notify a licensee of a license renewal before the renewal date; defining the term 'appointment' as used in part of AS 21; relating to the eligibility to provide coverage by a nonadmitted insurer and alien insurer; relating to surplus lines insurance and brokers; relating to misrepresentations and false advertising concerning insurance; relating to health discount plans; providing for limitations on owner controlled and contractor controlled insurance programs and limiting the coverage of those programs; prohibiting excessive, inadequate, or unfairly discriminatory rate charges for health insurance; defining the term 'plan administrator' as used in part of AS 21; defining the term 'transact' as used in AS 21; authorizing the director of insurance to designate a person to receive annual reports from companies; reducing the period for filing a quarterly financial statement; and providing for an effective date."

The report was signed by Representatives Rokeberg (Chair), Anderson, Gardner; and Senators Therriault (Chair), Stedman, Ellis.

The following fiscal note(s) apply to CCS HB 147:

2. Zero, Dept. of Commerce, Community, & Economic Development

Representative Coghill moved that the House adopt the Conference Committee report, thus adopting CCS HB 147, and recommended that the members vote yes.

The question being: "Shall the House adopt the Conference Committee report?" The roll was taken with the following result:

CCS HB 147

Adopt

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

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

Excused: Holm, Ramras

Absent: Joule, Salmon

And so, the House adopted the Conference Committee report, thus adopting CCS HB 147.

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.

The Chief Clerk notified the Senate.

The Senate has adopted the Conference Committee report (Senate Journal page 1660).

CCS HB 147 was referred to the Chief Clerk for engrossment and enrollment.

**The presence of Representatives Salmon and Joule was noted.

UNFINISHED BUSINESS

HB 94

Representative Coghill moved and asked unanimous consent that the House consider the Conference Committee report on the following, which is under Unfinished Business (page 2025):

CS FOR HOUSE BILL NO. 94(FIN) am

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; and relating to incorporation elections."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 94(STA)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House adopt the Conference Committee report, thus adopting CCS HB 94, and recommended that the members vote yes.

The question being: "Shall the House adopt the Conference Committee report?" The roll was taken with the following result:

CCS HB 94

Adopt

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

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

Excused: Holm, Ramras

And so, the House adopted the Conference Committee report, thus adopting CCS HB 94.

The Chief Clerk notified the Senate.

The Senate has adopted the Conference Committee report (Senate Journal page 1659).

CCS HB 94 was referred to the Chief Clerk for engrossment and enrollment.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 2:00 p.m., May 16, 2005. There being no objection, the House adjourned at 3:51 p.m.

Suzi Lowell
Chief Clerk