

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

Juneau, Alaska

Friday

May 20, 2005

Tenth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:50 a.m.

Roll call showed 34 members present. Representatives Croft and Kerttula were absent and their presence was noted later. Representatives Gara, Meyer, and Weyhrauch were absent.

Representative Coghill moved and asked unanimous consent that Representative Kapsner 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 McGuire. Representative Dahlstrom 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 religious faiths on the floor here today, I offer this prayer.

First, heavenly Father, as we enter this workplace today, I ask You to watch over each and every one of us. I ask that we speak Your peace and exhibit Your grace and mercy and acknowledge Your power over all that will be spoken, thought, decided, and done within these walls today.

Next, heavenly Father, I want to offer a special prayer for those whom many of us know who are suffering with cancer

right now. My little cousin who is 12-years-old was just diagnosed with terminal brain cancer two days ago. She is a lovely, lovely young girl who has had a wonderful life, but it is too short. We know the member in the other body whose wife is in her final days of struggling. We know of members on this floor who continue their fight. Bless, O God, all those who struggle with cancer. Empower them with hope for each and every day. Provide them with loving and tender care, laughter, and the support of love. Grant them courage when they are afraid, comfort them when they are in pain, and Your blessing when all else might seem hopeless to them, that in their fight with illness they many continue to praise You and glorify Your name.

For all these things I pray today. Amen.

The Pledge of Allegiance was led by Representative Moses.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 9th 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

HJR 6

A message dated May 19, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE JOINT RESOLUTION NO. 6(FSH)

Relating to the labeling of fish and shellfish to identify the country of origin and to distinguish between wild and farmed fish and shellfish.

Legislative Resolve No. 5

HJR 8

A message dated May 19, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE JOINT RESOLUTION NO. 8

Expressing support of Alaska Army National Guard soldiers deployed worldwide.

Legislative Resolve No. 9

HJR 15

A message dated May 19, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE JOINT RESOLUTION NO. 15(RES)

Relating to open ocean aquaculture in the federal exclusive economic zone.

Legislative Resolve No. 10

SJR 2

A message dated May 19, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE JOINT RESOLUTION NO. 2 am H

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production.

Legislative Resolve No. 2

SJR 5

A message dated May 19, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and

enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 5(O&G)
Urging the United States Congress to reauthorize the Methane Hydrate Research and Development Act.

Legislative Resolve No. 3

SJR 6

A message dated May 19, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 6(FIN)
am H
Relating to a reduction in the Federal Medical Assistance Percentage for Alaskans, and urging the United States Congress to take action to prevent the reduction.

Legislative Resolve No. 8

SJR 11

A message dated May 19, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE JOINT RESOLUTION NO. 11
Urging the United States Congress to amend the tax code to repeal the federal excise tax on communications.

Legislative Resolve No. 14

SJR 16

A message dated May 19, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE JOINT RESOLUTION NO. 16

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

Legislative Resolve No. 16

SB 25

A message dated May 19, 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. 25

"An Act relating to labeling and identification of genetically modified fish and fish products."

Chapter No. 26, SLA 2005

Effective Date: August 17, 2005

SB 143

A message dated May 19, 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. 143(STA)

"An Act amending the definition of the term 'state agencies' as it applies under Executive Order No. 113; relating to information systems in the legislative branch and to the Telecommunications Information Council; and providing for an effective date."

Chapter No. 25, SLA 2005

Effective Date: May 20, 2005

MESSAGES FROM THE SENATE**SB 130**

A message dated May 19, 2005, was read stating the President appointed the following members to a Free Conference Committee:

Senator Therriault, Chair
Senator Huggins
Senator French

to meet with a like committee from the House to consider the following bills:

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."

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."

SB 141

A message dated May 19, 2005, was read stating the President appointed the following members to a 2d Free Conference Committee:

Senator Gary Stevens, Chair
Senator Ben Stevens
Senator Guess

to meet with a like committee from the House to consider the following bills:

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."

and

CS FOR SENATE BILL NO. 141(FIN)
(same title)

REPORTS OF SPECIAL COMMITTEES

SB 130

The Speaker appointed the following members to a Free Conference Committee:

Representative Rokeberg, Chair
Representative Anderson
Representative Croft

to meet with a like committee from the Senate to consider the following bills:

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."

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 Chief Clerk notified the Senate.

The Conference Committee with limited powers of free conference was automatically discharged when the House failed to adopt the Conference Committee with limited powers of free conference report (page 2042).

**The presence of Representative Croft was noted.

SB 141

The Speaker appointed the following members to a 2d Free Conference Committee:

Representative Ramras, Chair
Representative Elkins
Representative Berkowitz

to meet with a like committee from the Senate to consider the following bills:

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."

and

CS FOR SENATE BILL NO. 141(FIN)
(same title)

The Chief Clerk notified the Senate.

The Free Conference Committee was automatically discharged when the House failed to adopt the Free Conference Committee report (page 2045).

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 12:02 p.m.

AFTER RECESS

The Speaker called the House back to order at 5:00 p.m.

**The presence of Representative Kerttula was noted.

The House adjourned.

CONSIDERATION OF THE DAILY CALENDAR

THIRD READING OF SENATE BILLS

SB 46

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

HOUSE CS FOR 2d CS FOR SENATE BILL NO. 46(FIN)
"An Act making and amending appropriations, including capital appropriations, supplemental appropriations, reappropriations, and appropriations to capitalize funds; 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."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn (page 2071) until 10:00 a.m., May 21, 2005. There being no objection, the House adjourned at 5:00 p.m.

Suzi Lowell
Chief Clerk