

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

**Juneau, Alaska**

**Sunday**

**May 22, 2005**

**Twelfth Day**

Pursuant to adjournment the House was called to order by Speaker Harris at 1:16 p.m.

Roll call showed 36 members present. Representatives Croft and Gruenberg were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that the following members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Kapsner - from today to 9:30 a.m., plane time, May 23, 2005

Representative Kott - from today to 9:30 a.m., plane time, May 26, 2005

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

Let us pray:

Father, anytime we bow before the Almighty we are going to do it with gratitude for the life that we live, remembering those among us who have illness in their family or stress within their family. The fact of our being here causes stress in

our lives in a variety of different ways, and we would ask for Your grace in our lives, for patience, and to be deliberate in those things which we have been called here to do.

We also are grateful for this beautiful, beautiful day. We would ask that You would give us the sense of peace that our eyes can bring us from viewing Your beautiful creation, and in our deliberations the peace of Your spirit would dwell within us, and that the hope of doing things that are positive and good for Alaska would come forth out of our deliberations - tense as they are - that the product would be good and valuable for those whom we serve. We go to this work requesting that You give us wisdom with that patience but know, O God almighty, that we are grateful to serve and grateful that You hear our prayer.

I pray in Jesus' name. Amen.

The Pledge of Allegiance was led by Representative Meyer.

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

Representative Coghill moved and asked unanimous consent that the journal for the 11th 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 SENATE**

##### **SB 141**

A message dated May 21, 2005, was read stating the Senate has adopted the 2d 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(2d FCC)

"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."

(technical title change)

The report is under Unfinished Business (page 2077).

#### **REPORTS OF SPECIAL COMMITTEES**

##### **SB 130**

The Free Conference Committee considering HCS CSSB 130(JUD) am H and CSSB 130(FIN) am recommends the following be adopted:

##### **FREE 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 was signed by Representatives Rokeberg (Chair), Anderson, Croft; and Senators Therriault (Chair), Huggins, French.

The following fiscal note(s) apply to FCCS SB 130:

14. Fiscal, Alaska Court System
15. Fiscal, Dept. of Labor & Workforce Development
16. Indeterminate, Office of the Governor/Dept. of Administration

The report was received May 21, 2005, at 2:20 p.m. and is under Unfinished Business.

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

The Speaker stated that, without objection, the House would recess to 5:30 p.m.; and so, the House recessed at 1:23 p.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 5:27 p.m.

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

#### **UNFINISHED BUSINESS**

##### **SB 130**

Representative Coghill moved and asked unanimous consent that the House consider the Free Conference Committee report (page 2083) on the following, which is under Unfinished Business:

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."

There being no objection, it was so ordered.

Representative Coghill placed a call of the House.

The call was satisfied.

Representative Coghill moved that the House adopt the Free Conference Committee report, thus adopting FCCS SB 130 and recommended that the members vote yes.

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

FCCS SB 130

Adopt

**YEAS: 25 NAYS: 13 EXCUSED: 2 ABSENT: 0**

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

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

Excused: Kapsner, Kott

LeDoux changed from "Nay" to "Yea".

McGuire changed from "Nay" to "Yea".

And so, the House adopted the Free Conference Committee report, thus adopting:

**FREE 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."

Representative Coghill moved the effective date clauses.

Representative Berkowitz objected.

Representative Berkowitz moved and asked unanimous consent that the question be divided.

The Speaker ruled that the question was divisible. There being no objection, the question of the effective date clauses was divided.

Representative Coghill moved that the effective date clause in Sec. 84 for Sections 34 and 77 be adopted.

The question being: "Shall the effective date clause in Sec. 84 for Sections 34 and 77 be adopted?" The roll was taken with the following result:

FCCS SB 130

Adopt

Effective Date/Sec. 84/Sections 34, 77

**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, Holm, Joule, Kelly, Kerttula, Kohring, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Kapsner, Kott

And so, the effective date clause in Sec. 84 for Sections 34 and 77 was adopted.

Representative Coghill moved that the effective date clause in Sec. 84 for Section 81(a) be adopted.

The question being: "Shall the effective date clause in Sec. 84 for Section 81(a) be adopted?" The roll was taken with the following result:

FCCS SB 130

Adopt

Effective Date/Sec. 84/Section 81(a)

**YEAS: 26 NAYS: 12 EXCUSED: 2 ABSENT: 0**

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

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

Excused: Kapsner, Kott

And so, lacking the necessary 27 votes, the effective date clause in Sec. 84 for Section 81(a) was not adopted.

Representative Coghill moved that the effective date clause in Sec. 85 be adopted.

The question being: "Shall the effective date clause in Sec. 85 be adopted?" The roll was taken with the following result:

FCCS SB 130(efd pfld H)

Adopt

Effective Date/Sec. 85

**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, Holm, Joule, Kelly, Kerttula, Kohring, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Kapsner, Kott

And so, the effective date clause in Sec. 85 was adopted.

Representative Coghill moved that the effective date clause in Sec. 86 be adopted.

The question being: "Shall the effective date clause in Sec. 86 be adopted?" The roll was taken with the following result:



FCCS SB 130(efd pfld H)

Adopt

Effective Date/Sec. 86

**YEAS: 24 NAYS: 14 EXCUSED: 2 ABSENT: 0**

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

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

Excused: Kapsner, Kott

And so, lacking the necessary 27 votes, the effective date clause in Sec. 86 was not adopted.

Representative Coghill moved the court rule change.

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

FCCS SB 130(efd pfld H)

Adopt

Court Rule

**YEAS: 31 NAYS: 7 EXCUSED: 2 ABSENT: 0**

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

Nays: Cissna, Crawford, Gara, Gruenberg, Guttenberg, Joule, Kerttula

Excused: Kapsner, Kott

And so, the court rule change was adopted.

The Chief Clerk notified the Senate.

FCCS SB 130(efd pfld H) was referred to the Chief Clerk for engrossment.

### **CONSIDERATION OF THE DAILY CALENDAR**

#### **THIRD READING OF SENATE BILLS**

##### **SB 46**

The following, which was on yesterday's calendar and not taken up (page 2078), 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 until 11:00 a.m., May 23, 2005. There being no objection, the House adjourned at 6:41 p.m.

Suzi Lowell  
Chief Clerk