

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Tuesday

March 1, 2005

Fifty-first Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:14 a.m.

Roll call showed 32 members present. Representatives Anderson, Cissna, Guttenberg, Kelly, Lynn, and McGuire had been previously excused from a call of the House today. Representative Kott was absent and his presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Ramras be excused from a call of the House today until 10:30 a.m. There being no objection, Representative Ramras was excused and his presence was noted later.

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

Hear the words of Habakkuk (2:4): "Behold, as for the proud one, his soul is not right within him; but the righteous will live by his faith."

We have sinned breaking Your heart. But far worse, we have warped ourselves in self-justifying pride. We have ruined the straight edges inside our souls. We no longer check ourselves against Your righteousness. Restore the plumb line, Father. We have lost track of what is good or evil. Help us. Straighten what is twisted in our arrogant hearts. Grant us the one thing that will renew us to live rightly. Give us the gift of

faith to live in hourly reliance upon You instead of our silly pride. We pray for others in our government too that they will come to rely on You and live in the clean sweetness of God-wrought humility and righteousness. May we live out the words of the prophet Micah this day. May we love mercy, do justice, and walk humbly with our God. Amen.

The Pledge of Allegiance was led by Representative Neuman.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 50th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

REPORTS OF STANDING COMMITTEES

HB 19

The Resources Committee has considered:

HOUSE BILL NO. 19

"An Act relating to pesticides and broadcast chemicals; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 19(RES)
(same title)

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

Do pass (5): Seaton, Elkins, LeDoux, Crawford, Ramras

No recommendation (4): Olson, Kapsner, Gatto, Samuels

The following fiscal note(s) apply to CSHB 19(RES):

1. Fiscal, Dept. of Environmental Conservation

HB 19 was referred to the Finance Committee.

HB 26

The Resources Committee has considered:

HOUSE BILL NO. 26

"An Act relating to short-term commercial fishing crewmember licenses; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 26(RES)
(same title)

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

Do pass (7): Kapsner, LeDoux, Seaton, Elkins, Crawford, Samuels, Ramras

No recommendation (2): Olson, Gatto

The following fiscal note(s) apply to CSHB 26(RES):

1. Fiscal, Dept. of Fish & Game
2. Indeterminate, Dept. of Labor & Workforce Development

HB 26 was referred to the Finance Committee.

SJR 5

The Resources Committee has considered:

SENATE JOINT RESOLUTION NO. 5

Urging the United States Congress to reauthorize the Methane Hydrate Research and Development Act.

and recommends it be replaced with:

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 5(O&G)
(same title)

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

Do pass (6): Olson, Seaton, Elkins, Crawford, Ramras, Samuels

No recommendation (3): Kapsner, Gatto, LeDoux

The following fiscal note(s) apply to HCS SJR 5(O&G):

1. Zero, Dept. of Natural Resources

SJR 5 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 - Tammy Bennett
By Senator Green

In Memoriam - Craig Russell Harpel
By Senator Bunde

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 14

HOUSE JOINT RESOLUTION NO. 14 by Representative Elkins:

Urging the United States Congress to pass legislation to convey land to the University of Alaska.

was read the first time and referred to the House Special Committee on Education and the Resources Committee.

HJR 15

HOUSE JOINT RESOLUTION NO. 15 by the House Special Committee on Fisheries:

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

was read the first time and referred to the House Special Committee on Fisheries and the Resources Committee.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS**

HB 189

HOUSE BILL NO. 189 by the House State Affairs Committee, entitled:

"An Act relating to an extension for review and approval of revisions to the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003; and providing for an effective date."

was read the first time and referred to the Community & Regional Affairs, State Affairs, and Resources Committees.

HB 190

HOUSE BILL NO. 190 by Representative Crawford, entitled:

"An Act relating to the purchase of alcoholic beverages and to requiring identification to buy alcoholic beverages; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole."

was read the first time and referred to the Labor & Commerce and Judiciary Committees.

**The presence of Representatives Kott and Ramras was noted.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 1**

The following was read the second time:

HOUSE BILL NO. 1

"An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date."

with the:	Journal Page
EDU RPT CS(EDU) 2DP 5NR	304
FN1: (EED)	304
FN2: (EED)	304
HES RPT CS(HES) 2DP 2NR 2AM	325
FN1: (EED)	326
FN2: (EED)	326
FIN RPT CS(HES) 6DP 2NR 1AM	445
FN3: (EED)	445
FN4: (EED)	445
FN5: (MVA)	445

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. 1(HES)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Croft, Berkowitz, and Kapsner:

Page 1, following line 3:

Insert a new bill section to read:

****Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT: The public school foundation formula should accurately reflect the cost of educating our children in all parts of the state. The current formula doesn't do that. The legislature will correct this problem."

Renumber the following bill sections accordingly.

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

Representative Coghill objected.

Representative Coghill rose to a point of order regarding referencing current court cases.

The Speaker cautioned members to confine remarks to the amendment.

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

CSHB 1(HES)
Second Reading
Amendment No. 1

YEAS: 12 NAYS: 22 EXCUSED: 6 ABSENT: 0

Yeas: Berkowitz, Crawford, Croft, Gara, Gardner, Gruenberg, Joule, Kapsner, Kerttula, Moses, Salmon, Weyhrauch

Nays: Chenault, Coghill, Dahlstrom, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kohring, Kott, LeDoux, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Anderson, Cissna, Guttenberg, Kelly, Lynn, McGuire

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representatives Salmon, Gara, Kerttula, Croft, Berkowitz, Crawford, Kapsner, Gardner, and Gruenberg:

Page 1, line 6:

Delete "**\$4,919**"

Insert "**\$5,120**"

Representative Salmon moved and asked unanimous consent that Amendment No. 2 be adopted.

Objection was heard.

Representative Berkowitz placed a call of the House.

The call was satisfied.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 1(HES)

Second Reading

Amendment No. 2

YEAS: 11 NAYS: 23 EXCUSED: 6 ABSENT: 0

Yeas: Berkowitz, Crawford, Croft, Gara, Gardner, Gruenberg, Joule, Kapsner, Kerttula, Moses, Salmon

Nays: Chenault, Coghill, Dahlstrom, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kohring, Kott, LeDoux, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Anderson, Cissna, Guttenberg, Kelly, Lynn, McGuire

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was offered by Representative Salmon:

Page 1, line 2, following "**education;** (title amendment)"

Insert "**repealing the eroding floor for public school funding;**"

Page 1, following line 6:

Insert new bill sections to read:

"* **Sec. 2.** AS 14.17.490(a) is amended to read:

(a) Except as provided in **(b) and (c)** [(b) - (e)] of this

section, if, in fiscal year 1999, a city or borough school district or a regional educational attendance area would receive less public school funding under AS 14.17.410 than the district or area would have received as state aid, the district or area is, in each fiscal year, eligible to receive additional public school funding equal to the difference between the public school funding the district or area was eligible to receive under AS 14.17.410 in fiscal year 1999 and the state aid the district or area would have received in fiscal year 1999.

* **Sec. 3.** AS 14.17.490(d) and 14.17.490(e) are repealed."

Renumber the following bill section accordingly.

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

Representative Neuman objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSHB 1(HES)
Second Reading
Amendment No. 3

YEAS: 11 NAYS: 23 EXCUSED: 6 ABSENT: 0

Yeas: Berkowitz, Crawford, Croft, Gara, Gardner, Gruenberg, Joule, Kapsner, Kerttula, Moses, Salmon

Nays: Chenault, Coghill, Dahlstrom, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kohring, Kott, LeDoux, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Anderson, Cissna, Guttenberg, Kelly, Lynn, McGuire

And so, Amendment No. 3 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 1(HES) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

Representative Stoltze called for a roll call vote on the motion and withdrew the call.

CSHB 1(HES) will advance to third reading on tomorrow's calendar.

THIRD READING OF HOUSE BILLS

HB 76

The following, which was advanced to third reading from the February 28, 2005, calendar (page 452), was read the third time:

CS FOR HOUSE BILL NO. 76(FIN) am

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

The question being: "Shall CSHB 76(FIN) am pass the House?" The roll was taken with the following result:

CSHB 76(FIN) am

Third Reading

Final Passage

YEAS: 32 NAYS: 2 EXCUSED: 6 ABSENT: 0

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

Nays: Dahlstrom, Stoltze

Excused: Anderson, Cissna, Guttenberg, Kelly, Lynn, McGuire

And so, CSHB 76(FIN) am passed the House.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative Stoltze gave notice of reconsideration of the vote on CSHB 76(FIN) am.

HB 158

The following, which was advanced to third reading from the February 28, 2005, calendar (page 453), was read the third time:

HOUSE BILL NO. 158

"An Act relating to the public school account and renaming the public school account as the public education fund; and providing for an effective date."

The question being: "Shall HB 158 pass the House?" The roll was taken with the following result:

HB 158

Third Reading

Final Passage

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

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

Excused: Anderson, Cissna, Guttenberg, Kelly, Lynn, McGuire

And so, HB 158 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.

HB 158 was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Coghill moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Commemorating - Law Enforcement Memorial Day, May 13, 2005

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

Honoring - Alaska Broadcasters Association

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

In Memoriam - Gary Foster

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

In Memoriam - Helen E. Parker

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

In Memoriam - Anthony "Tony" Arthur Morrison

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

In Memoriam - Richard J. Stitt Sr.

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

In Memoriam - Joseph A. Thomas

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

UNFINISHED BUSINESS

HB 16

Representative Samuels added his name as cosponsor to:

HOUSE BILL NO. 16

"An Act relating to funding for school districts operating secondary school boarding programs and to funding for school districts from which boarding students come; and providing for an effective date."

ENGROSSMENT

HB 158

HB 158 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meeting today has been changed as indicated:

House Special Committee on Education

CHANGED TO:

5:30 p.m.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 2, 2005. There being no objection, the House adjourned at 12:39 p.m.

Suzi Lowell
Chief Clerk