

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

March 7, 2005

Fifty-seventh Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:08 a.m.

Roll call showed 36 members present. Representatives Kohring, Olson, and Weyhrauch had been previously excused from a call of the House today. Representative Kott was absent and his presence was noted later.

The invocation was offered by the Chaplain, Pastor Tim Frega of Auke Bay Bible Church. Representative Croft moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Dear Heavenly Father:

I am burdened to pray for the families of these men and women here today. I know that these families sacrifice much to have their spouses, dads, and moms serving in this capacity. Father, we know that children miss their parents. Hold these children in Your arms and may they feel love from You. Your Word says that Jesus has a tremendous love for children. Jesus, love these children so that they feel secure in this world that we live in.

Give spouses the ability to communicate and the ability to love unconditionally. We know that this type of love is demonstrated in Jesus Christ. We know that Christ loved expecting nothing, and we know that He is our example in

love. Therefore, may we seek a fresh relationship with Christ so that we may love and serve like Christ loves and serves!

In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Representative Seaton.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 54th, 55th, and 56th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Rokeberg introduced the following House staff:

Alex Grundman, Page
Sam Weimer, Page

MESSAGES FROM THE SENATE

SB 14

A message dated March 4, 2005, was read stating the Senate has concurred in the House amendment to SB 14, thus adopting:

HOUSE CS FOR SENATE BILL NO. 14(STA)
"An Act relating to municipal initiative and referendum elections."

REPORTS OF STANDING COMMITTEES

HB 31

The Labor & Commerce Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 31
"An Act relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain occupations."

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

Do pass (4): Crawford, Lynn, Guttenberg, Anderson

No recommendation (3): Kott, LeDoux, Rokeberg

The following fiscal note(s) apply:

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Indeterminate, Dept. of Administration

SSHB 31 was referred to the Health, Education & Social Services Committee.

HB 107

The Judiciary Committee has considered:

HOUSE BILL NO. 107

"An Act providing for the award of full actual attorney fees and costs to a person aggrieved by unlawful obstruction or hindrance of hunting, fishing, or viewing of fish or game; amending Rules 79 and 82, Alaska Rules of Civil Procedure; and amending Rule 508, Alaska Rules of Appellate Procedure."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 107(JUD)

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

Do pass (3): Gruenberg, Anderson, McGuire

No recommendation (3): Dahlstrom, Coghill, Gara

The following fiscal note(s) apply to CSHB 107(JUD):

1. Zero, Dept. of Fish & Game
3. Zero, Dept. of Law

HB 107 was referred to the Finance Committee.

**The presence of Representative Kott was noted.

HB 121

The State Affairs Committee has considered:

HOUSE BILL NO. 121

"An Act relating to consolidating or abolishing certain service areas in second class boroughs."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 121(CRA)

"An Act relating to consolidating or abolishing certain service areas in second class boroughs; and providing for an effective date."

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

Do pass (4): Lynn, Ramras, Gruenberg, Seaton

No recommendation (1): Gatto

The following fiscal note(s) apply to CSHB 121(CRA):

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

HB 121 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:

In Memoriam - Charles Mohun Quarré
By Senator Wagoner; Representatives Olson, Chenault

In Memoriam - Rita Botelho
By Senator Wagoner; Representatives Olson, Chenault

In Memoriam - Ron Gibbens
By Senator Wagoner; Representatives Olson, Chenault

In Memoriam - Michelle Odom Maheras
By Senator Wagoner; Representatives Olson, Chenault

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 205**

HOUSE BILL NO. 205 by Representatives Ramras and McGuire,
entitled:

"An Act relating to review of proposed regulatory actions and regulations, fiscal effect of proposed regulatory actions, and suspension of regulations."

was read the first time and referred to the Judiciary and Finance Committees.

HB 206

HOUSE BILL NO. 206 by Representatives Salmon and Thomas,
entitled:

"An Act relating to online enticement of minors."

was read the first time and referred to the Judiciary and Finance Committees.

HB 207

HOUSE BILL NO. 207 by Representatives Salmon and Thomas, entitled:

"An Act relating to dissemination of indecent material to minors."

was read the first time and referred to the Judiciary and Finance Committees.

HB 208

HOUSE BILL NO. 208 by Representative Guttenberg, entitled:

"An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain an Alaskan veterans' cemetery; and establishing the Alaska veterans' cemetery fund in the general fund."

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs and the State Affairs and Finance Committees.

HB 209

HOUSE BILL NO. 209 by the House Rules Committee by request of the Governor, entitled:

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

was read the first time and referred to the Community & Regional Affairs, Transportation, and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Transportation & Public Facilities

The Governor's transmittal letter dated March 4, 2005, follows:

"Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill establishing a permanent Aviation Advisory Board in statute.

This bill would establish a permanent advisory board within the Department of Transportation and Public Facilities (DOTPF) to make recommendations to the commissioner of DOTPF with respect to that department's aviation functions. On January 15, 2003, I created a temporary interim Aviation Advisory Board by Administrative Order No. 204. I reestablished the temporary board through Administrative Order No. 215, dated June 25, 2004. This bill would make the board permanent.

The permanent board would have the same composition as the current 10-member interim board, with representatives of various stakeholders in aviation matters. However, one additional board member would be added, to provide for an uneven number of members and thus avoid tie votes. The governor would appoint board members to staggered three-year terms. As is the case for members of the existing interim board, members would serve without compensation, other than coverage of travel and per diem expenses for members who are not state officers or employees. All members would serve at the pleasure of the governor.

This bill would afford the commissioner of the DOTPF valuable input from the perspective of the aviation industry and the two largest airport hub communities regarding state aviation policy and management. It would ensure that those same stakeholders would have an ongoing opportunity to advise and make recommendations to the commissioner of DOTPF.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor"

HB 210

HOUSE BILL NO. 210 by Representative McGuire, entitled:

"An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."

was read the first time and referred to the Judiciary and Finance Committees.

HB 211

HOUSE BILL NO. 211 by Representative Kelly, entitled:

"An Act extending the termination date of the Board of Dental Examiners; and relating to dentists and dental hygienists."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 124

The following, which was on the March 2, 2005, calendar and returned to the Rules Committee (page 487), was read the second time:

HOUSE BILL NO. 124

"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."

with the:

Journal Page

JUD RPT 3DP 2NR	409
FN1: ZERO(ADM)	409
FN2: ZERO(COR)	409
FN3: ZERO(LAW)	409
FN4: ZERO(DPS)	409
FIN REFERRAL WAIVED	436

Amendment No.1 was offered by Representatives Croft and Anderson:

Page 2, line 14, following "reasonable force":

Insert: "when necessary"

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted.

Representative Coghill moved and asked unanimous consent that HB 124 am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 124 am was read the third time.

The question being: "Shall HB 124 am pass the House?" The roll was taken with the following result:

HB 124 am
Third Reading
Final Passage

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

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

Excused: Kohring, Olson, Weyhrauch

And so, HB 124 am passed the House and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

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 Dahlstrom - from 7:00 p.m., March 7 to 10:00 p.m., plane time, March 13, 2005

Representative Croft - from 7:00 p.m., March 8 to 9:30 a.m., plane time, March 14, 2005

Representative Rokeberg - from 7:00 p.m., March 8 to 7:00 p.m., plane time, March 14, 2005

Representative Coghill - from 7:00 a.m., March 9 to 9:30 a.m., plane time, March 15, 2005

Representative Olson - from 7:00 a.m., March 9 to 10:00 p.m., plane time, March 13, 2005

Representative Holm - from 8:00 a.m., March 9 to 9:30 a.m., plane time, March 16, 2005

Representative Joule - from 9:00 a.m., March 9 to 9:00 p.m., plane time, March 16, 2005

SCR 2

The Speaker waived the State Affairs Committee referral for the following at the request of Representative Seaton, Chair:

SENATE CONCURRENT RESOLUTION NO. 2
Proclaiming 2005 as Rotary International Year.

SCR 2 was removed from the State Affairs Committee and referred to the Rules Committee for placement on the calendar.

HB 199

The Speaker removed the State Affairs Committee referral for the following:

HOUSE BILL NO. 199
"An Act excluding certain trucks from the definition of 'passenger vehicle' for purposes of the passenger vehicle rental tax; and providing for an effective date."

HB 199 is in the Transportation Committee with a further referral to the Finance Committee.

HCR 2

Representatives Kapsner, Moses, Guttenberg, Joule, Kott, Gatto, Lynn, Cissna, Neuman, and Dahlstrom added their names as cosponsors to:

HOUSE CONCURRENT RESOLUTION NO. 2

Urging Governor Murkowski to take quick action to conduct, approve, or sanction a study of in-state natural gas needs and take-off points for intrastate use of natural gas transported in a North Slope natural gas pipeline.

HB 31

Representative Croft added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 31

"An Act relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain occupations."

HB 124

Representatives Dahlstrom, Lynn, and LeDoux added their names as cosponsors to:

HOUSE BILL NO. 124 am

"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."

HB 149

Representative Gatto added his name as cosponsor to:

HOUSE BILL NO. 149

"An Act relating to further regulation of the sale, possession, and delivery of certain chemicals and precursors used in the manufacture of methamphetamine."

HB 175

Representative Gruenberg added his name as cosponsor to:

HOUSE BILL NO. 175

"An Act relating to the creation of a civil legal services fund."

ENGROSSMENT

HB 124

HB 124 am 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.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 9, 2005. There being no objection, the House adjourned at 11:42 a.m.

Suzi Lowell
Chief Clerk