

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Thursday

March 17, 2005

#### Sixty-seventh Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:09 a.m.

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

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

The invocation was offered by the Chaplain, David Dierdorff of the Juneau Unitarian Universalist Fellowship. Representative Gruenberg moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

I thought it a little curious that I, a man with a German name, whose DNA is a blend from most every Northern European country except Ireland, would be leading the House in prayer on St. Patrick's Day. But a little research disclosed that the man who became Saint Patrick wasn't Irish either. He was born in Scotland, like my grandmother. So I feel a little better about being here to offer a brief prayer on this beautiful morning.

Please join me in the spirit of reverence.

Spirit of Life, on this 17th day of March, a day so important to the Irish of the world, we give thanks for the many

contributions to our nation and our state by those of Irish descent. We also give thanks for one of the little known contributions of the man we remember as Saint Patrick - the fact that the monasteries started by him in England and Ireland became important repositories of learning during the Dark Ages centuries later. As the men and women of the Alaska House make their important decisions over the next several weeks, let them be mindful of the lesson of Saint Patrick's life work - what we do today may have consequences tomorrow, next week, next year, or hundreds of years from now. We cannot know the future, but we can affect the future by our actions today. Spirit of Life, may Your presence within each of us guide the leaders of our state to actions that will serve our future well. So be it. Amen.

The Pledge of Allegiance was led by Representative Dahlstrom.

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

Representative Coghill moved and asked unanimous consent that the journal for the 66th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

#### **MESSAGES FROM THE SENATE**

##### **HJR 6**

A message dated March 16, 2005, was read stating the Senate has passed:

##### **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.

CSHJR 6(FSH) was referred to the Chief Clerk for enrollment.

##### **HB 47**

A message dated March 16, 2005, was read stating the Senate has passed:

## CS FOR HOUSE BILL NO. 47(FIN)

"An Act extending the termination date of the Board of Certified Real Estate Appraisers; and relating to the requirements for membership on the Board of Certified Real Estate Appraisers."

CSHB 47(FIN) was referred to the Chief Clerk for enrollment.

**HB 64**

A message dated March 16, 2005, was read stating the Senate has passed:

## HOUSE BILL NO. 64

"An Act extending the termination date for the Board of Public Accountancy; and providing for an effective date."

HB 64 was referred to the Chief Clerk for enrollment.

**COMMUNICATIONS**

The following were received:

Dept. of Revenue  
Treasury Division  
Annual Report on the Constitutional  
Budget Reserve Fund  
March 4, 2005  
(as required by AS 37.10.430)

Alaska Court System  
Travel for Justices, Judges, and Magistrates  
& Affidavit Information, 2004  
(as required by AS 22.20.310)

Alaska Court System  
2004 Time-To-Disposition Reports  
Volumes 1, 2, 3A, 3B, 4 - 6  
(as required by AS 22.20.310)

**REPORTS OF STANDING COMMITTEES****HB 33**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 33

"An Act relating to the effect of regulations on small businesses; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 33(L&C)

"An Act relating to regulations that may govern the conduct of small businesses; and providing for an effective date."

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

Do pass (2): Rokeberg, Anderson

No recommendation (5): Crawford, Lynn, Kott, LeDoux, Guttenberg

The following fiscal note(s) apply to CSHB 33(L&C):

1. Zero, Dept. of Administration
2. Indeterminate, Dept. of Public Safety
3. Fiscal, Dept. of Health & Social Services
4. Fiscal, Dept. of Labor & Workforce Development
5. Fiscal, Dept. of Natural Resources
6. Fiscal, Office of the Governor/All Depts.

HB 33 was referred to the Judiciary Committee.

**HB 103**

The Judiciary Committee has considered:

HOUSE BILL NO. 103

"An Act requiring an actionable claim against the state to be tried without a jury."

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

Do pass (1): McGuire

Do not pass (3): Gara, Gruenberg, Kott

No recommendation (2): Dahlstrom, Anderson

The following fiscal note(s) apply:

1. Fiscal, Alaska Court System
2. Indeterminate, Dept. of Law

HB 103 was referred to the Finance Committee.

**HB 117**

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 117

"An Act relating to the liability of the state and municipalities for attorney fees in certain civil actions and appeals; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 117(CRA)  
(same title)

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

Do pass (3): Kott, Olson, Thomas

No recommendation (2): Neuman, Cissna

The following fiscal note(s) apply to CSHB 117(CRA):

1. Zero, Dept. of Administration
2. Zero, Dept. of Law

HB 117 was referred to the State Affairs Committee.

**HB 121**

The Rules 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(RLS)

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

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

No recommendation (4): Harris, Kohring, Coghill, Rokeberg

Amend (2): Kerttula, Berkowitz

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

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

HB 121 was returned to the Rules Committee for placement on the calendar.

**HB 153**

The Resources Committee has considered:

HOUSE BILL NO. 153

"An Act relating to regulation of the discharge of pollutants under the National Pollutant Discharge Elimination System; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 153(RES)  
(same title)

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

Do pass (3): Olson, Elkins, Ramras

Do not pass (1): Seaton

No recommendation (5): Kapsner, Gatto, LeDoux, Crawford, Samuels

The following fiscal note(s) apply to CSHB 153(RES):

1. Zero, Dept. of Fish & Game
2. Zero, Dept. of Natural Resources
3. Zero, Dept. of Transportation & Public Facilities
4. Fiscal, Dept. of Environmental Conservation

HB 153 was referred to the Finance Committee.

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

**HB 182**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 182

"An Act amending the Alaska Wage and Hour Act as it relates to the employment of a person acting in a supervisory capacity; providing definitions for persons employed in administrative, executive, and professional capacities, for persons working in the capacity of an outside salesman, and for persons working in the capacity of a salesman employed on a straight commission basis."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 182(L&C)  
(same title)

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

Do pass (1): Rokeberg

Do not pass (1): Guttenberg

No recommendation (4): Lynn, Kott, LeDoux, Anderson

The following fiscal note(s) apply to CSHB 182(L&C):

1. Zero, Dept. of Labor & Workforce Development

HB 182 was referred to the Finance Committee.

**SB 42**

The Finance Committee has considered:

SENATE BILL NO. 42

"An Act extending the reporting date for and the termination date of the Task Force on Naturopathic Scope of Practice; and providing for an effective date."

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

Do pass (6): Hawker, Stoltze, Foster, Croft, Meyer, Chenault

The following fiscal note(s) apply:

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

SB 42 was referred to the Rules Committee for placement on the calendar.

**REPORTS OF SPECIAL COMMITTEES**

**SB 25**

The House Special Committee on Fisheries has considered:

**SENATE BILL NO. 25**

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

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

Do pass (5): Elkins, Kapsner, Wilson, LeDoux, Thomas

The following fiscal note(s) apply:

1. Zero, Dept. of Environmental Conservation
2. Zero, Dept. of Law

SB 25 was referred to the Labor & Commerce Committee.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 221**

HOUSE BILL NO. 221 by Representative Elkins, entitled:

"An Act directing a reduction of long distance telephone rates to offset exchange access fees paid by consumers; and providing for an effective date."

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

**HB 222**

HOUSE BILL NO. 222 by Representative Elkins, entitled:

"An Act relating to telecommunications services in a competitive market; and providing for an effective date."

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

**HB 223**

HOUSE BILL NO. 223 by Representatives Croft and Crawford, entitled:

"An Act levying a tax on certain known resources of natural gas, conditionally repealing the levy of that tax, and authorizing a credit for payments of that tax against amounts due under the oil and gas properties production (severance) tax if requirements relating to the sale and delivery of the natural gas are met; and providing for an effective date."

was read the first time and referred to the House Special Committee on Ways & Means, the House Special Committee on Oil & Gas, and the Resources Committee.

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 97**

The following was read the second time:

HOUSE BILL NO. 97

"An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date."

with the:

Journal Page

STA RPT CS(STA) 6DP 1NR	248
FN1: (GOV)	248
JUD RPT CS(JUD) 5DP	348
FN1: (GOV)	348
FIN RPT CS(FIN) 2DP 7NR	562
FN1: (GOV)	563

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. 97(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 97(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 97(FIN) was read the third time.

Representatives Berkowitz and Gruenberg moved and asked unanimous consent that they be allowed to abstain from voting because of a conflict of interest. Objection was heard, and the members were required to vote.

The question being: "Shall CSHB 97(FIN) pass the House?" The roll was taken with the following result:

CSHB 97(FIN)  
Third Reading  
Final Passage

**YEAS: 35 NAYS: 0 EXCUSED: 3 ABSENT: 2**

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

Excused: LeDoux, Olson, Salmon

Absent: Kott, Rokeberg

And so, CSHB 97(FIN) 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.

CSHB 97(FIN) was referred to the Chief Clerk for engrossment.

**THIRD READING OF SENATE BILLS****SB 98**

The following, which was advanced to third reading from the March 16, 2005, calendar (page 635), was read the third time:

HOUSE CS FOR CS FOR SENATE BILL NO. 98(FIN) am H  
 "An Act making supplemental appropriations, capital appropriations, and other appropriations; amending appropriations; making 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."

The question being: "Shall HCS CSSB 98(FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 98(FIN) am H  
 Third Reading  
 Final Passage

**YEAS: 34 NAYS: 3 EXCUSED: 3 ABSENT: 0**

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

Nays: Berkowitz, Crawford, Gara

Excused: LeDoux, Olson, Salmon

And so, HCS CSSB 98(FIN) am H 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 clauses. There being no objection, it was so ordered.

Representative Coghill moved that the appropriation in Section 17 from the constitutional budget reserve fund (Article IX, Section 17(c), Constitution of the State of Alaska) be adopted.

The question being: "Shall the House adopt the appropriation in Section 17 from the constitutional budget reserve fund (Article IX, Section 17(c), Constitution of the State of Alaska)?" The roll was taken with the following result:

HCS CSSB 98(FIN) am H

Third Reading

Constitutional Budget Reserve Appropriation

**YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1**

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

Excused: LeDoux, Olson, Salmon

Absent: Anderson

And so, the constitutional budget reserve fund appropriation was adopted.

Representative Berkowitz gave notice of reconsideration of the vote on HCS CSSB 98(FIN) am H.

### **SECOND READING OF SENATE RESOLUTIONS**

#### **SCR 3**

The following was read the second time:

#### **SENATE CONCURRENT RESOLUTION NO. 3**

Authorizing a recess by the Senate and the House of Representatives for a period of more than three days, those days being March 25, 26, 27, and 28 of 2005.

The question being: "Shall SCR 3 pass the House?" The roll was taken with the following result:

SCR 3

Second 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, Kohring, Kott, Lynn, McGuire, Meyer, Moses, Neuman, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: LeDoux, Olson, Salmon

And so, SCR 3 passed the House, was signed by the Speaker and the Chief Clerk and returned to the Senate.

### 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:

Honoring - Thomas Boedeker

By Representatives Olson, Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, LeDoux, McGuire, Meyer, Moses, Neuman, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson; Senator Wagoner

Honoring - Kenai Firefighters Association

By Representatives Olson, Chenault, Harris, Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson; Senator Wagoner

Honoring - Ruby Dunlap, 100th Birthday Celebration

By Senator Davis; Representatives Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

In Memoriam - Arthur "Art" Jackson

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

### 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 Coghill - from noon, March 17 to 9:30 a.m., plane time, March 18, 2005

Representative Harris - from noon, March 17 to 9:30 a.m., plane time, March 18, 2005

Representative Samuels - from noon, March 17 to 9:30 p.m., plane time, March 20, 2005

### CONCUR IN SENATE AMENDMENTS

#### HB 115

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 600) on the following:

CS FOR HOUSE BILL NO. 115(TRA)

"An Act relating to charges paid or collected by users or occupants of an airport facility owned or controlled by the state; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 115(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSHB 115(TRA), thus adopting SCS CSHB 115(FIN), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 115(TRA)?" The roll was taken with the following result:

SCS CSHB 115(FIN)

Concur

**YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1**

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

Excused: LeDoux, Olson, Salmon

Absent: Moses

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 115(FIN).

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.

SCS CSHB 115(FIN) was referred to the Chief Clerk for enrollment.

### **UNFINISHED BUSINESS**

#### **HB 155**

Representative Gruenberg added his name as cosponsor to:

HOUSE BILL NO. 155

"An Act relating to youth courts and to the recommended use of criminal fines to fund the activities of youth courts; and relating to accounting for criminal fines."

**ENGROSSMENT**

**HB 97**

CSHB 97(FIN) 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 18, 2005. There being no objection, the House adjourned at 11:23 a.m.

Suzi Lowell  
Chief Clerk