

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

April 6, 2005

Eighty-seventh Day

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

Roll call showed 35 members present. Representative Kerttula had been previously excused from a call of the House today. Representatives Anderson, Croft, Kott, and Weyhrauch were absent and their presence was noted later.

The invocation was offered by the Chaplain, the Reverend Steve Olmstead of Chapel by the Lake Presbyterian Church. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

This morning's prayer comes from Psalm 67:

"O God, be gracious and bless us
and let Your face shed its light upon us.
So will Your ways be known upon earth
and all nations learn Your saving help.

Let the peoples praise You, O God;
let all the peoples praise You.

Let the nations be glad and exult
for You rule the world with justice.
With fairness You rule the peoples,
You guide the nations on earth.

Let the peoples praise You, O God;
let all the peoples praise You.

The earth has yielded its fruit
for God, our God, has blessed us.
May God still give us His blessing
till the ends of the earth revere Him.

Let the peoples praise You, O God;
let all the peoples praise You."

O Lord, give wisdom to the representatives here, to other
legislators, and government leaders. You know their desires.
Give them wisdom in their decisions. Give them courage to
stand for truth that Your ways may be known upon the earth,
that Your will may be done in the state of Alaska.

Let all the peoples praise You, O God; let all the peoples
praise You. Amen.

The Pledge of Allegiance was led by Representative Kapsner.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the
journal for the 86th legislative day be approved as certified by the
Chief Clerk. There being no objection, it was so ordered.

**The presence of Representatives Croft, Kott, and Weyhrauch was
noted.

REPORTS OF STANDING COMMITTEES

HB 14

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 14

"An Act relating to disclosure of information about a child or a
child's family to a legislator or a member of a legislator's staff; and
making conforming changes."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 14(HES)

"An Act relating to disclosure of information about a child to a legislator or a member of a legislator's staff; and making conforming changes."

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

Do pass (6): Cissna, Gardner, Kohring, McGuire, Seaton, Wilson

The following fiscal note(s) apply to CSHB 14(HES):

1. Indeterminate, Dept. of Health & Social Services

HB 14 was referred to the Judiciary Committee.

HB 16

The Finance Committee has considered:

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."

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

Do pass (5): Foster, Croft, Moses, Meyer, Chenault

No recommendation (4): Holm, Stoltze, Weyhrauch, Kelly

Amend (1): Hawker

The following fiscal note(s) apply:

1. Fiscal, Dept. of Education & Early Development

HB 16 was referred to the Rules Committee for placement on the calendar.

HB 41

The Finance Committee has considered:

HOUSE BILL NO. 41

"An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree committed against an employee of an elementary, junior high, or secondary school who was engaged in the performance of school duties at the time of the assault."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 41(FIN)

"An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree committed against an employee of an elementary, junior high, or secondary school or certain contractors of school districts who were engaged in the performance of school duties at the time of the assault."

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

Do pass (2): Weyhrauch, Foster

No recommendation (6): Holm, Stoltze, Moses, Kelly, Meyer, Chenault

Amend (1): Hawker

The following fiscal note(s) apply to CSHB 41(FIN):

1. Zero, Dept. of Administration
2. Zero, Dept. of Corrections
3. Zero, Dept. of Education & Early Development
4. Zero, Dept. of Law
5. Zero, Dept. of Public Safety

HB 41 was referred to the Rules Committee for placement on the calendar.

HB 49

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 49

"An Act relating to municipal aid grants; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 49(CRA)

"An Act relating to municipal aid grants for municipalities and certain unincorporated communities; and providing for an effective date."

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

Do pass (4): Salmon, LeDoux, Cissna, Thomas

No recommendation (3): Neuman, Kott, Olson

The following fiscal note(s) apply to CSHB 49(CRA):

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

HB 49 was referred to the Finance Committee.

HB 119

The Finance Committee has considered:

HOUSE BILL NO. 119

"An Act extending the termination date of the Alaska regional economic assistance program; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 119(FIN)
(same title)

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

Do pass (6): Weyhrauch, Joule, Moses, Foster, Meyer, Chenault

No recommendation (5): Hawker, Holm, Croft, Stoltze, Kelly

The following fiscal note(s) apply to CSHB 119(FIN):

2. Fiscal, House Finance Committee/Dept. of Commerce, Community, & Economic Development
3. Fiscal, House Finance Committee/Dept. of Commerce, Community, & Economic Development

HB 119 was referred to the Rules Committee for placement on the calendar.

HB 148

The Judiciary Committee has considered:

HOUSE BILL NO. 148
"An Act relating to trafficking of persons."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 148(JUD)
"An Act relating to human trafficking; and providing for an effective date."

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

Do pass (5): Kott, Gruenberg, Dahlstrom, Gara, McGuire

The following fiscal note(s) apply to CSHB 148(JUD):

1. Zero, Dept. of Administration
2. Zero, Dept. of Corrections
3. Zero, Alaska Court System
4. Zero, Dept. of Law
5. Zero, Dept. of Public Safety

HB 148 was referred to the Finance Committee.

HB 156

The Finance Committee has considered:

HOUSE BILL NO. 156

"An Act relating to the membership of the Alaska Commission on Aging; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 156(HES)

"An Act relating to the membership of and quorum requirements for the Alaska Commission on Aging; and providing for an effective date."

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

Do pass (8): Hawker, Holm, Weyhrauch, Croft, Kelly, Foster, Meyer, Chenault

The following fiscal note(s) apply to CSHB 156(HES):

1. Zero, Dept. of Health & Social Services

HB 156 was referred to the Rules Committee for placement on the calendar.

HB 197

The Rules Committee has considered:

HOUSE BILL NO. 197

"An Act exempting certain natural gas exploration and production facilities from oil discharge prevention and contingency plans and proof of financial responsibility, and amending the powers and duties of the Alaska Oil and Gas Conservation Commission with respect to those plans; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 197(RLS)
(same title)

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

Do pass (4): Kohring, Harris, Coghill, Rokeberg

No recommendation (1): McGuire

The following fiscal note(s) apply to CSHB 197(RLS):

1. Zero, Dept. of Environmental Conservation

HB 197 was returned to the Rules Committee for placement on the calendar.

SB 104

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 104(JUD)

"An Act relating to the crimes of unsworn falsification in the first and second degrees and false information or report; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue; and providing for an effective date."

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

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

No recommendation (1): Gardner

The following fiscal note(s) apply:

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

CSSB 104(JUD) was referred to the Judiciary Committee.

**The presence of Representative Anderson was noted.

REPORTS OF SPECIAL COMMITTEES

HB 161

The House Special Committee on Education has considered:

HOUSE BILL NO. 161

"An Act relating to reemployment of and benefits for retired teachers and public employees and to teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA 2001; providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for secs. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 161(EDU)
(same title)

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

Do pass (1): Thomas

No recommendation (5): Gara, Salmon, Gatto, Lynn, Neuman

Amend (1): Wilson

The following fiscal note(s) apply to CSHB 161(EDU):

1. Zero, Dept. of Administration

HB 161 was referred to the Health, Education & Social Services Committee.

SB 52

The House Special Committee on Economic Development, International Trade, & Tourism has considered:

CS FOR SENATE BILL NO. 52(L&C)

"An Act relating to certain functions of the division of banking, securities, and corporations and the division of occupational licensing in the Department of Commerce, Community, and Economic Development; relating to program receipts and record search fees of the Department of Commerce, Community, and Economic Development related to banking, securities, and corporations; and providing for an effective date."

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

Do pass (3): Coghill, Crawford, Dahlstrom

No recommendation (3): Lynn, Ramras, Neuman

The following fiscal note(s) apply:

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

CSSB 52(L&C) was referred to the Labor & Commerce Committee.

INTRODUCTION OF CITATIONS

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

In Memoriam - Michael J. Oberts

By Representative Chenault

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

HB 255

HOUSE BILL NO. 255 by Representative Ramras, entitled:

"An Act making appropriations for the construction, repair, upgrade, and refurbishing of sport fish hatcheries; and providing for an effective date."

was read the first time and referred to the Finance Committee.

HB 256

HOUSE BILL NO. 256 by Representative Ramras, entitled:

"An Act naming the Ruth Burnett Sport Fish Hatchery in Fairbanks."

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

HB 257

HOUSE BILL NO. 257 by the House Judiciary Committee, entitled:

"An Act relating to a procurement and electronic commerce tools program for state departments and instrumentalities of the state; and providing for an effective date."

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

HB 258

HOUSE BILL NO. 258 by Representative Lynn, entitled:

"An Act relating to aggravating factors at sentencing."

was read the first time and referred to the Health, Education & Social Services and Judiciary Committees.

CONSIDERATION OF THE DAILY CALENDAR**THIRD READING OF HOUSE BILLS****HB 66**

The following, which was advanced to third reading from the April 5, 2005, calendar (page 874), was read the third time:

CS FOR HOUSE BILL NO. 66(FIN)

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

The question being: "Shall CSHB 66(FIN) pass the House?" The roll was taken with the following result:

CSHB 66(FIN)

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Kerttula

Absent: Crawford

And so, CSHB 66(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.

Representative Berkowitz gave notice of reconsideration of the vote on CSHB 66(FIN).

The House reverted to Introduction of Guests. The Speaker stated that, without objection, the House would advance to:

REPORTS OF STANDING COMMITTEES**HB 35**

The Rules Committee has considered:

HOUSE BILL NO. 35

"An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

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

Do pass (1): Kohring

No recommendation (5): Berkowitz, Harris, Coghill, McGuire, Rokeberg

The following fiscal note(s) apply:

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

HB 35 was returned to the Rules Committee for placement on the calendar.

THIRD READING OF HOUSE BILLS

(continued)

HB 67

The following, which was advanced to third reading from the April 5, 2005, calendar (page 875), was read the third time:

CS FOR HOUSE BILL NO. 67(FIN)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and 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 Speaker stated that, without objection, the House would recess; and so, the House recessed at 11:56 a.m.

AFTER RECESS

The Speaker called the House back to order at 1:05 p.m.

THIRD READING OF HOUSE BILLS
(continued)

HB 67

CSHB 67(FIN) was again before the House in third reading.

The Speaker stated that, without objection, the House would recess until 6:30 p.m.; and so, the House recessed at 1:36 p.m.

AFTER RECESS

The Speaker called the House back to order at 6:39 p.m.

THIRD READING OF HOUSE BILLS
(continued)

HB 67

CSHB 67(FIN) was again before the House in third reading.

The question being: "Shall CSHB 67(FIN) pass the House?" The roll was taken with the following result:

CSHB 67(FIN)
Third Reading
Final Passage

YEAS: 30 NAYS: 7 EXCUSED: 1 ABSENT: 2

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

Nays: Berkowitz, Crawford, Croft, Gara, Gardner, Guttenberg, Salmon

April 6, 2005

895

Excused: Kerttula

Absent: Joule, Kott

Salmon changed from "Yea" to "Nay".

And so, CSHB 67(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.

Representative Coghill moved that the appropriations in Section 31 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 appropriations in Section 31 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:

CSHB 67(FIN)

Third Reading

Constitutional Budget Reserve Appropriations

YEAS: 27 NAYS: 12 EXCUSED: 1 ABSENT: 0

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

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Moses, Salmon

Excused: Kerttula

And so, lacking the necessary 30 votes, the constitutional budget reserve fund appropriations were not adopted and the new title follows:

CS FOR HOUSE BILL NO. 67(FIN)(brf sub maj fld)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

Representative Berkowitz gave notice of reconsideration of the vote on CSHB 67(FIN)(brf sub maj fld).

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 - Dillingham Girls Volleyball Team, Dillingham City School District, Coach Victor A. Belleque

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

In Memoriam - Amy Lou Guerin Barney

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

In Memoriam - Andrew Gibb

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

In Memoriam - Jack Coogan

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

In Memoriam - Clarence "Clancy" Foster

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

UNFINISHED BUSINESS

HB 92

Representative Wilson, Chair, moved and asked unanimous consent that the referral to the Health, Education & Social Services Committee be waived for the following:

HOUSE BILL NO. 92

"An Act relating to the purchase of interests in corporations, including limited liability companies, by the University of Alaska."

Representative Berkowitz objected and withdrew the objection. There being no further objection, the Speaker waived the Health, Education & Social Services Committee referral.

The Speaker added a Judiciary Committee referral for HB 92.

HB 92 is in the House Special Committee on Education with a further referral to the Judiciary Committee.

HB 164

The Speaker waived the House Special Committee on Economic Development, International Trade, & Tourism referral for the following at the request of Representative Dahlstrom, Chair:

HOUSE BILL NO. 164

"An Act making a special appropriation for a grant to Chugach Electric Association to construct a wind farm on Fire Island and transmission lines to connect the wind farm to existing electrical infrastructure in Anchorage; and providing for an effective date."

The Speaker removed the Labor & Commerce Committee referral for HB 164.

HB 164 was removed from the House Special Committee on Economic Development, International Trade, & Tourism and referred to the Finance Committee.

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 a.m., April 7 to 9:30 p.m., plane time, April 10, 2005

Representative Croft - from 7:00 p.m., April 7 to 9:30 p.m., plane time, April 11, 2005

Representative Kapsner - from 8:00 a.m., April 8 to noon, plane time, April 14, 2005

Representative Anderson - from 1:00 p.m., April 8 to 9:30 a.m., plane time, April 11, 2005

Representative Cissna - from 1:00 p.m., April 8 to 9:30 a.m., plane time, April 11, 2005

Representative McGuire - from 1:00 p.m., April 8 to 9:30 a.m., plane time, April 11, 2005

Representative Thomas - from 1:00 p.m., April 8 to 9:30 a.m., plane time, April 11, 2005

HCR 6

Representative Hawker added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 6

Relating to the continuation of the Alaska Information Infrastructure Policy Task Force until the first day of the First Regular Session of the Twenty-Fifth Alaska State Legislature in January 2007.

HB 14

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 14

"An Act relating to disclosure of information about a child or a child's family to a legislator or a member of a legislator's staff; and making conforming changes."

HB 16

Representative Kapsner added her 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."

HB 52

Representative Salmon added his name as cosponsor to:

HOUSE BILL NO. 52

"An Act relating to adoption and revision of a comprehensive long-range fiscal plan for the State of Alaska."

HB 149

Representatives Kelly, Foster, and Holm added their names as cosponsors 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 169

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

HOUSE BILL NO. 169

"An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; and allowing real estate brokers to hire certain experts to review real estate transactions; and providing for an effective date."

HB 205

Representative Anderson added his name as cosponsor to:

HOUSE BILL NO. 205

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

HB 230

Representative LeDoux added her name as cosponsor to:

HOUSE BILL NO. 230

"An Act authorizing the making of loans for upgrade of commercial fishing tender vessels and gear."

SB 129

Representative LeDoux added her name as cross sponsor to:

CS FOR SENATE BILL NO. 129(JUD)

"An Act relating to the wrongful recording of a notice of pendency of an action relating to title to or right to possession of real property."

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., April 7, 2005. There being no objection, the House adjourned at 7:14 p.m.

Suzi Lowell
Chief Clerk