HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Thursday

April 7, 2005

Eighty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:17 a.m.

Roll call showed 32 members present. Representatives Dahlstrom and Kerttula had been previously excused from a call of the House today. Representatives Anderson, Gara, Gardner, Gatto, Kott, and McGuire were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Gruenberg be excused from a call of the House from 11:30 a.m. to 1:30 p.m. today. There being no objection, it was so ordered

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

"To clasp the hands in prayer is the beginning of an uprising against the disorder of the world." Karl Barth

O Lord, You know the chaos, selfishness, and pride that brings and threatens disorder to our lives and to this state. Give wisdom, discernment, accountability, and truth to these legislators and all who work in state government that Your order and Your truth may be established.

We offer You this day, these hours in our lives, and ask that we might be attentive to Your presence and Your will. Remind us, O Lord, that You are God and we are not.

"This is the day the Lord has made, let us rejoice and be glad in it." Psalm 118:24

In Christ, Amen.

The Pledge of Allegiance was led by Representative Moses.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 87th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

HR 2

A message dated April 6, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 2

Establishing a House Special Committee on Economic Development, Trade, and Tourism.

House Resolve No. 2

HR 3

A message dated April 6, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 3

Establishing a House Special Committee on Education.

House Resolve No. 3

HR 4

A message dated April 6, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 4

Establishing a House Special Committee on Fisheries.

House Resolve No. 4

HR 5

A message dated April 6, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 5

Establishing a House Special Committee on Military and Veterans' Affairs.

House Resolve No. 5

HR 6

A message dated April 6, 2005, was read stating the Governor has read the following resolution and has transmitted the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 6

Establishing a House Special Committee on Ways and Means.

House Resolve No. 6

^{**}The presence of Representative Gardner was noted.

MESSAGES FROM THE SENATE

SJR 6

A message dated April 6, 2005, was read stating the Senate has concurred in the House amendment to SJR 6, thus adopting:

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 6(FIN) am H

Relating to a reduction in the Federal Medical Assistance Percentage for Alaskans, and urging the United States Congress to take action to prevent the reduction.

A message dated April 6, 2005, was read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SJR 10

SENATE JOINT RESOLUTION NO. 10 by Senators Dyson, Wilken, Seekins, Wagoner, Huggins, Green, Therriault, Gary Stevens, and Stedman:

Supporting the federal marriage amendment.

was read the first time and referred to the State Affairs and Judiciary Committees.

FIRST READING AND REFERENCE OF SENATE BILLS

SB 93

CS FOR SENATE BILL NO. 93(FIN) by the Senate Finance Committee, entitled:

"An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date."

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

**The presence of Representative Kott was noted.

REPORTS OF STANDING COMMITTEES

HB 122

The Finance Committee has considered:

HOUSE BILL NO. 122

"An Act relating to payment of premiums for Servicemembers' Group Life Insurance on behalf of members of the Alaska National Guard deployed to a combat zone; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 122(FIN)

"An Act relating to certain relief concerning motor vehicle leases, telephone services, education, utilities, state loans, and hunting, fishing, and trapping licenses for members of the Alaska National Guard deployed to a combat zone; relating to reimbursement of premiums for Servicemembers' Group Life Insurance paid by members of the Alaska National Guard deployed to a combat zone; and providing for an effective date."

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

Do pass (10): Hawker, Holm, Foster, Kelly, Croft, Joule, Stoltze, Moses, Meyer, Chenault

No recommendation (1): Weyhrauch

The following fiscal note(s) apply to CSHB 122(FIN):

- 1. Zero, Dept. of Commerce, Community, & Economic Development
- 2. Fiscal, Dept. of Military & Veterans' Affairs
- 3. Zero, Dept. of Education & Early Development
- 4. Fiscal, Dept. of Fish & Game

HB 122 was referred to the Rules Committee for placement on the calendar.

**The presence of Representatives McGuire and Gara was noted.

HB 214

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 214

"An Act relating to anatomical gifts and the anatomical gift donor registry program."

and recommends it be replaced with:

```
CS FOR HOUSE BILL NO. 214(HES) (same title)
```

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

Do pass (5): Anderson, Kohring, McGuire, Seaton, Wilson

No recommendation (2): Cissna, Gardner

The following fiscal note(s) apply to CSHB 214(HES):

- 1. Zero, Dept. of Commerce, Community, & Economic Development
- 2. Zero, Dept. of Public Safety
- 4. Zero, Dept. of Health & Social Services

HB 214 was referred to the Rules Committee for placement on the calendar.

HB 230

The Resources Committee has considered:

```
HOUSE BILL NO. 230
```

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

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

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

No recommendation (2): Gatto, Ramras

The following fiscal note(s) apply:

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

HB 230 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - West Anchorage High School's "We the People" Senate Congressional Hearing Competition Team By Senator Ellis; Representative Berkowitz

**The presence of Representative Anderson was noted.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 7

HOUSE CONCURRENT RESOLUTION NO. 7 by Representatives Olson and Chenault:

Urging the governor to direct the division of oil and gas, Department of Natural Resources, to undertake a comprehensive review of the subject of Cook Inlet oil and gas platform abandonment for the purpose of developing new oil and gas platform abandonment regulations and their adoption and implementation.

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

HCR 8

HOUSE CONCURRENT RESOLUTION NO. 8 by the House Special Committee on Oil and Gas:

Encouraging the Regulatory Commission of Alaska expeditiously to complete its investigation of the Cook Inlet Gas Gathering System.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 58

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 58 by Representatives LYNN, GATTO, and WILSON, Elkins, Neuman, and Olson, entitled:

"An Act relating to offenses against unborn children."

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

HB 259

HOUSE BILL NO. 259 by the House Transportation Committee, entitled:

"An Act relating to covered or enclosed loads."

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

HB 260

HOUSE BILL NO. 260 by the House Finance Committee, entitled:

"An Act relating to purchase and possession of cigarettes or tobacco products by a person under 19 years of age, to licenses for persons engaged in activities involving tobacco products, to taxes on cigarettes and tobacco products, and to the amount of the bond required to stay execution of a judgment in civil litigation involving a signatory, a successor of a signatory, or an affiliate of a signatory to the tobacco product Master Settlement Agreement

during an appeal; amending Rules 204, 205, and 603, Alaska Rules of Appellate Procedure; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 75

The following was read the second time:

HOUSE BILL NO. 75

"An Act relating to promoting and preserving sport hunting in the state."

with the:	Journal Page
RES RPT CS(RES) NT 5DP 2NR	601
FN1: ZERO(DFG)	602
FIN RPT CS(FIN) NT 5DP 3NR	792
FN1: ZERO(DFG)	792

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. 75(FIN)

"An Act relating to the powers and duties of the commissioner of fish and game, Board of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and trapping in the state."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 75(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 75(FIN) will advance to third reading on tomorrow's calendar.

HB 88

The following was read the second time:

HOUSE BILL NO. 88

"An Act relating to certain weapons offenses involving minors; to aggravating factors in sentencing for certain offenses committed against a school employee; and providing for an effective date."

with the:	Journal Page
JUD RPT CS(JUD) NT 1DP 6NR	347
FN1: ZERO(HSS)	348
FN2: ZERO(LAW)	348
FIN RPT CS(FIN) NT 8NR	709
FN3: INDETERMINATE(H.FIN/HSS)	710
FN4: INDETERMINATE(H.FIN/LAW)	710
RLS RPT CS(RLS) NT 5DP 1NR	792
FN3: INDETERMINATE(H.FIN/HSS)	793
FN4: INDETERMINATE(H.FIN/LAW)	793

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. 88(RLS)

"An Act relating to certain weapons offenses involving minors; relating to the definition of 'recreation or youth center' for purposes of misconduct involving a controlled substance; to aggravating factors in sentencing for certain offenses committed on school grounds, on a school bus, at a school-sponsored event, or in administrative offices of a school district; to mitigating factors in sentencing for a defendant's assistance to authorities to detect, apprehend, or prosecute other persons who committed an offense; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 88(RLS) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 88(RLS) will advance to third reading on tomorrow's calendar.

HB 185

The following was read the second time:

HOUSE BILL NO. 185

"An Act relating to immunization of postsecondary students for meningitis; and providing for an effective date."

with the:	Journal Page
HES RPT 3DP 1DNP 3NR	665
FN1: ZERO(EED)	666
FIN RPT CS(FIN) 4DP 5NR	837
FN1: ZERO(EED)	837

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. 185(FIN) (same title)
```

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 185(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 185(FIN) was read the third time.

The question being: "Shall CSHB 185(FIN) pass the House?" The roll was taken with the following result:

CSHB 185(FIN) Third Reading Final Passage

YEAS: 34 NAYS: 0 EXCUSED: 2 ABSENT: 4

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

Excused: Dahlstrom, Kerttula

Absent: Foster, Gatto, Ramras, Samuels

And so, CSHB 185(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 185(FIN) was referred to the Chief Clerk for engrossment.

HB 197

The following was read the second time:

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."

with the:	Journal Page
O&G RPT 5DP 1NR	617
FN1: ZERO(DEC)	618
RES RPT CS(RES) 2DP 3NR 2AM	758
FN1: ZERO(DEC)	759
RLS RPT CS(RLS) 4DP 1NR	887
FN1: ZERO(DEC)	888

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. 197(RLS) (same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 197(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 197(RLS) was read the third time.

The question being: "Shall CSHB 197(RLS) pass the House?" The roll was taken with the following result:

CSHB 197(RLS) Third Reading Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Elkins, Foster, Gara, Gardner, Gruenberg, 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: Dahlstrom, Kerttula Absent: Gatto, Guttenberg

And so, CSHB 197(RLS) 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 197(RLS) was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HJR 5

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 5

Opposing imposition of a milk tax on Alaskans.

with the:	Journal Page
RES RPT CS(RES) 6DP	758
FN1: ZERO(H.RES)	758
L&C REFERRAL WAIVED	817

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original resolution:

CS FOR HOUSE JOINT RESOLUTION NO. 5(RES) (same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHJR 5(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 5(RES) was read the third time.

The question being: "Shall CSHJR 5(RES) pass the House?" The roll was taken with the following result:

CSHJR 5(RES) Third Reading Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

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

Excused: Dahlstrom, Kerttula

Absent: Gatto, Seaton

And so, CSHJR 5(RES) passed the House and was referred to the Chief Clerk for engrossment.

HJR 16

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 16

Opposing the designation of any area in the state as a world heritage site, biosphere reserve, or any other type of international designation without the consent of the Alaska State Legislature.

with the: Journal Page

RES RPT CS(RES) NT 3DP 5NR	827
FN1: ZERO(LEG)	828

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original resolution:

CS FOR HOUSE JOINT RESOLUTION NO. 16(RES)

Opposing the designation of any area in the state as a world heritage site, biosphere reserve, or any other type of international designation without the consent of the Alaska State Legislature and affected local governments.

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Weyhrauch:

Page 2, line 12, following "Bering Sea": Insert ", and in Glacier Bay National Park"

Page 2, line 14, following "block": Insert "or inhibit"

Page 2, line 17, following "Alaska Natives": Insert "or the commercial harvest of fisheries"

Page 2, line 19, following "railroads,": Insert "fisheries,"

Page 2, line 23, following "Arctic National Park,": Insert "Glacier Bay National Park,"

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

Representative Coghill objected and withdrew the objection. There being no further objection, Amendment No. 1 was adopted.

**The presence of Representative Gatto was noted.

Representative Coghill moved and asked unanimous consent that CSHJR 16(RES) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 16(RES) am was read the third time.

The question being: "Shall CSHJR 16(RES) am pass the House?" The roll was taken with the following result:

CSHJR 16(RES) am Third Reading Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

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

Excused: Dahlstrom, Kerttula

Absent: Holm, Seaton

Gara changed from "Nay" to "Yea".

And so, CSHJR 16(RES) am passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

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

In Memoriam - Michael J. Oberts

By Representatives Chenault, Harris, Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kelly, 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 Holm - from 7:00 a.m., April 8 to 9:30 a.m., plane time, April 11, 2005

Representative Salmon - from noon, April 8 to noon, plane time, April 11, 2005

Representative Crawford - from 7:30 p.m., April 8 to 9:30 a.m., plane time, April 11, 2005

Representative Harris - from 1:00 p.m., April 9 to 1:30 p.m., plane time, April 10, 2005

Representative Joule - from 7:00 a.m., April 10 to 9:00 p.m., plane time, April 15, 2005

HB 177

The Speaker added a Judiciary Committee referral to follow the State Affairs Committee referral and precede the Finance Committee referral for the following:

HOUSE BILL NO. 177

"An Act relating to employee and employer contributions to the teachers' retirement system and the public employees' retirement system; and providing for an effective date."

HB 177 is in the State Affairs Committee.

HB 33

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 33

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

HB 136

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 136

"An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the influence and prosecutions for refusal to submit to a chemical test; and allowing a court to suspend up to 75 percent of the minimum fines required for driving while under the influence and for refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program."

HB 149

Representative Stoltze 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 155

Representative Rokeberg added his name as cosponsor to:

CS FOR HOUSE BILL NO. 155(JUD)

"An Act relating to funding for youth courts; and relating to separately accounting for fines imposed on and collected from defendants."

HB 185

Representative Olson added his name as cosponsor to:

CS FOR HOUSE BILL NO. 185(FIN)

"An Act relating to immunization of postsecondary students for meningitis; and providing for an effective date."

HB 210

Representatives Olson and Gatto added their names as cosponsors to:

HOUSE BILL NO. 210

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

SJR 10

Representative Lynn added his name as cross sponsor to:

SENATE JOINT RESOLUTION NO. 10

Supporting the federal marriage amendment.

ENGROSSMENT

HJR 5

CSHJR 5(RES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HJR 16

CSHJR 16(RES) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 66

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

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."

HB 67

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

CS FOR HOUSE BILL NO. 67(FIN)(brf sup 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."

HB 185

CSHB 185(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 197

CSHB 197(RLS) 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 CANCELED

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 8, 2005. There being no objection, the House adjourned at 11:26 a.m.

Suzi Lowell Chief Clerk