

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

May 9, 2005

#### One Hundred Twentieth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:44 a.m.

Roll call showed 28 members present. Representatives Anderson, Chenault, Gara, LeDoux, Meyer, Moses, Olson, and Rokeberg were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Gruenberg be excused to approximately noon, today. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that Representatives Weyhrauch, Seaton, and Crawford be excused to approximately noon, today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Representative Dahlstrom. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With respect for all religious beliefs, I offer this prayer.

Dear Heavenly Father:

We are grateful for this beautiful world we have been given and for the health and strength we have been blessed with. We are grateful for the freedoms that we enjoy in our country and have a deep respect for the responsibility we have in this body to serve the people of Alaska.

Bless the leadership of our body that they may have the strength and wisdom they need to represent this body in the critical negotiations that still lay ahead. Bless our support staff for the dedication they show each day.

Father, You know our weaknesses and strengths. You know the private struggles that individuals in this body have. Bless them and give them calm. Bless the men and women defending our country and freedom and their families left behind. Bless us with extra patience and tolerance for our differences and the mental and physical strength we need as we work through these last days of session. We pray humbly for these things and do it in the name of Jesus Christ, Amen.

The Pledge of Allegiance was led by Representative Salmon.

### MESSAGES FROM THE SENATE

#### HB 123

A message dated May 8, 2005, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 123(RLS) am

"An Act relating to occupational licensing fees, fines, and penalties and to regulatory board fines; extending the termination dates of the Boards of Barbers and Hairdressers, Social Work Examiners, Pharmacy, Professional Counselors, Psychologist and Psychological Associate Examiners, and Veterinary Examiners; relating to psychologist licensing by credentials; relating to an exemption that allows one bill to continue more than one board, commission, or agency program; and providing for an effective date."

CSHB 123(RLS) am was referred to the Chief Clerk for enrollment.

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

#### HB 211

A message dated May 8, 2005, was read stating the Senate has passed:

**CS FOR HOUSE BILL NO. 211(FIN)**

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

CSHB 211(FIN) was referred to the Chief Clerk for enrollment.

**HB 249**

A message dated May 8, 2005, was read stating the Senate has passed:

**CS FOR HOUSE BILL NO. 249(RLS)**

"An Act relating to enhanced 911 systems and enhanced 911 surcharges imposed by a municipality, public municipal corporation, or village."

CSHB 249(RLS) was referred to the Chief Clerk for enrollment.

**HB 95**

A message dated May 8, 2005, was read stating the Senate has passed CSHB 95(RLS) am with the following amendment and it is transmitted for consideration:

**SENATE CS FOR CS FOR HOUSE BILL NO. 95(JUD)**

"An Act relating to the duties of the Department of Health and Social Services as those duties pertain to public health and public health emergencies and disasters; relating to medical treatment, information, isolation and quarantine for the prevention and management of conditions of public health importance; relating to duties of the public defender and office of public advocacy regarding public health emergencies and disasters; relating to liability for actions arising from public health procedures; making conforming amendments; relating to the treatment and transportation of dead bodies; amending Rules 4, 7, 8, 38, 40, 65, 72, and 77, Alaska Rules of Civil Procedure; and providing for an effective date."

CSHB 95(RLS) am is under Unfinished Business.

**HB 119**

A message dated May 8, 2005, was read stating the Senate has passed CSHB 119(FIN) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 119(FIN)

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

CSHB 119(FIN) is under Unfinished Business.

A message dated May 8, 2005, was read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS**

**SB 186**

CS FOR SENATE BILL NO. 186(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to the Alaska Executive Branch Ethics Act; and providing for an effective date."

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

**SB 187**

CS FOR SENATE BILL NO. 187(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to legislative ethics open meetings guidelines, to the public members of the Select Committee on Legislative Ethics, to alternate members of the legislative subcommittees, to advisory opinions, and to confidential information and proceedings regarding legislative ethics complaints and investigations."

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

**REPORTS OF STANDING COMMITTEES****SB 22**

The Finance Committee has considered:

CS FOR SENATE BILL NO. 22(FIN)

"An Act adding birthing centers to the list of health facilities eligible for payment of medical assistance for needy persons."

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

Do pass (3): Foster, Meyer, Chenault

No recommendation (6): Hawker, Holm, Stoltze, Joule, Moses, Kelly

The following fiscal note(s) apply:

2. Zero, Dept. of Health & Social Services

CSSB 22(FIN) is on today's calendar.

**SB 135**

The Finance Committee has considered:

CS FOR SENATE BILL NO. 135(JUD)(efd am)

"An Act relating to the crimes of assault and custodial interference; and providing for an effective date."

The report was signed by Representative Meyer, Co-chair, with the following individual recommendations:

Do pass (2): Foster, Meyer

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

Amend (1): Hawker

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Alaska Court System
3. Zero, Dept. of Law

CSSB 135(JUD)(efd am) is on today's calendar.

**SB 153**

The Finance Committee has considered:

SENATE BILL NO. 153

"An Act relating to international airports revenue bonds; and providing for an effective date."

The report was signed by Representative Meyer, Co-chair, with the following individual recommendations:

Do pass (5): Holm, Moses, Kelly, Foster, Meyer

No recommendation (2): Hawker, Stoltze

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue

SB 153 is on today's calendar.

**SB 164**

The Finance Committee has considered:

CS FOR SENATE BILL NO. 164(FIN)

"An Act relating to the salmon product development tax credit; providing for an effective date by amending an effective date in sec. 7, ch. 57, SLA 2003; and providing for an effective date."

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

Do pass (2): Foster, Meyer

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

Amend (1): Hawker

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue

CSSB 164(FIN) is on today's calendar.

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

### INTRODUCTION OF CITATIONS

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

Honoring - Jessica Hendricks  
By Representative Salmon

Honoring - Richard Champion  
By Representative Seaton

Honoring - Dr. Henry I. Akiyama  
By Representatives Kerttula, Weyhrauch; Senator Elton

Honoring - Bilingual Tutors at Mountain View Elementary School, Williwaw Elementary School, Creekside Park Elementary School, Wonder Park Elementary School, Ptarmigan Elementary School, and William Tyson Elementary School  
By Representative Gruenberg; Senator Guess

Honoring - The Library  
By Representatives Weyhrauch, Kerttula; Senator Elton

In Memoriam - Sally Ann Kabisch Kizzia  
By Representative Seaton

In Memoriam - Kate Lauren Kuhns  
By Representative Seaton

In Memoriam - George A. Hall  
By Representative Samuels

In Memoriam - William V. Graves  
By Representatives Weyhrauch, Kerttula; Senator Elton

In Memoriam - Peter Barrett  
By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Harriet H. Roberts  
By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Albert Christian Swalling  
By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - George Danner, Jr.  
By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Marvin "Marv" Weatherly  
By Senator Guess

The following citations were introduced and taken up later as a Special Order of Business:

Honoring - A Tribute to Those Who Toil on the House Floor  
By Representative Rokeberg

Honoring - Senate Sergeant-At-Arms, Senate Assistant Sergeant-At-Arms, Senate Pages  
By Senator Cowdery

\*\*The presence of Representatives Meyer and Moses was noted.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE RESOLUTIONS****HR 8**

HOUSE RESOLUTION NO. 8 by Representative Kott:

Establishing the House Task Force on Alaska Gaming Policy to consider the establishment of a gaming commission and to study gaming activities in the state; and providing for a report of the findings to the Alaska Legislative Council.

was read the first time and taken up later as a Special Order of Business.

**HR 9**

HOUSE RESOLUTION NO. 9 by Representatives Joule and Samuels:

Relating to the plans of the United States Postal Service to discontinue air shipment of bypass mail between Fairbanks, Alaska, and Barrow, Alaska.

was read the first time and taken up later as a Special Order of Business.

\*\*The presence of Representatives Anderson and Rokeberg was noted.

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF SENATE BILLS****SB 22**

The following was read the second time:

CS FOR SENATE BILL NO. 22(FIN)

"An Act adding birthing centers to the list of health facilities eligible for payment of medical assistance for needy persons."

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with the:

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FIN RPT 3DP 6NR  
FN2: ZERO(HSS)

1831  
1831

Representative Coghill moved and asked unanimous consent that CSSB 22(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Ramras objected and withdrew the objection. There being no further objection, it was so ordered.

CSSB 22(FIN) was read the third time.

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

The question being: "Shall CSSB 22(FIN) pass the House?" The roll was taken with the following result:

CSSB 22(FIN)  
Third Reading  
Final Passage

**YEAS: 33 NAYS: 1 EXCUSED: 4 ABSENT: 2**

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

Nays: Kohring

Excused: Crawford, Gruenberg, Seaton, Weyhrauch

Absent: Gatto, Olson

And so, CSSB 22(FIN) passed the House.

Representative Ramras gave notice of reconsideration of the vote on CSSB 22(FIN).

**SB 135**

Representative Coghill moved and asked unanimous consent that the following be moved to the bottom of the calendar:

CS FOR SENATE BILL NO. 135(JUD)(efd am)  
 "An Act relating to the crimes of assault and custodial interference; and providing for an effective date."

There being no objection, it was so ordered.

**SB 153**

The following was read the second time:

SENATE BILL NO. 153  
 "An Act relating to international airports revenue bonds; and providing for an effective date."

with the:	Journal Page
FIN RPT 5DP 2NR	1832
FN1: (REV)	1832

Representative Coghill moved and asked unanimous consent that SB 153 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

SB 153 will advance to third reading on tomorrow's calendar.

**SB 164**

The following was read the second time:

CS FOR SENATE BILL NO. 164(FIN)  
 "An Act relating to the salmon product development tax credit; providing for an effective date by amending an effective date in sec. 7, ch. 57, SLA 2003; and providing for an effective date."

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with the:

Journal Page

RES RPT 5DP 4NR	1701
FN1: (REV)	1702
FIN RPT 2DP 6NR 1AM	1832
FN1: (REV)	1833

Representative Coghill moved and asked unanimous consent that CSSB 164(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSSB 164(FIN) will advance to third reading on tomorrow's calendar.

**THIRD READING OF SENATE BILLS**

**SB 87**

The following, which was held over from the May 8, 2005, calendar (page 1817), was read the third time:

HOUSE CS FOR SENATE BILL NO. 87(JUD)  
"An Act relating to motor vehicle safety belt violations."

The Speaker stated that, without objection, HCS CSSB 87(JUD) would be moved to the bottom of the calendar.

**SB 102**

The following, which was advanced to third reading from the May 8, 2005, calendar (page 1780), was read the third time:

HOUSE CS FOR CS FOR SENATE BILL NO. 102(RES)  
"An Act repealing the Alaska coastal management program; relating to an extension for review and approval of revisions to the Alaska coastal management program; relating to reviews and modifications by the Department of Natural Resources; relating to coastal resource district policies; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003; and providing for an effective date."

Representative Samuels placed a call of the House.

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

The call was satisfied.

The question being: "Shall HCS CSSB 102(RES) pass the House?"  
The roll was taken with the following result:

HCS CSSB 102(RES)

Third Reading

Final Passage

**YEAS: 30 NAYS: 6 EXCUSED: 4 ABSENT: 0**

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

Nays: Berkowitz, Cissna, Croft, Gara, Kerttula, Salmon

Excused: Crawford, Gruenberg, Seaton, Weyhrauch

And so, HCS CSSB 102(RES) 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.

HCS CSSB 102(RES) was referred to the Chief Clerk for engrossment.

**SB 128**

The following, which was advanced to third reading from the May 8, 2005, calendar (page 1789), was read the third time:

SENATE BILL NO. 128 am

"An Act relating to consideration by the Local Boundary Commission of a requested borough incorporation."

The question being: "Shall SB 128 am pass the House?" The roll was taken with the following result:

SB 128 am  
Third Reading  
Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

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

Excused: Crawford, Gruenberg, Seaton, Weyhrauch

And so, SB 128 am passed the House.

Representative Berkowitz gave notice of reconsideration of the vote on SB 128 am.

**SB 144**

The following, which was advanced to third reading from the May 8, 2005, calendar (page 1803), was read the third time:

CS FOR SENATE BILL NO. 144(RES)

"An Act relating to regulations, definitions, and permits under the emission control permit program; and providing for an effective date."

The question being: "Shall CSSB 144(RES) pass the House?" The roll was taken with the following result:

CSSB 144(RES)  
Third Reading  
Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

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

Excused: Crawford, Gruenberg, Seaton, Weyhrauch

And so, CSSB 144(RES) 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.

CSSB 144(RES) was signed by the Speaker and Chief Clerk and returned to the Senate.

### SENATE BILLS IN THIRD READING

#### SB 174

The following, which was held over from the May 8, 2005, calendar (page 1817), was again before the House:

HOUSE CS FOR SENATE BILL NO. 174(FIN) am H

"An Act excluding certain trucks and vehicles provided by automobile dealers as replacement transportation during warranty, recall, or service contract repairs from the definition of 'passenger vehicle' for purposes of the passenger vehicle rental tax; and providing for an effective date."

(HCR 18 - title change resolution)

Representative Gatto moved and asked unanimous consent that HCS SB 174(FIN) am H be returned to second reading for the specific purpose of considering Amendment No. 4. There being no objection, it was so ordered.

Amendment No. 4 was offered by Representative Gatto:

Page 1, line 3, following "**tax;**" (title amendment):

Insert "**providing for taxation of certain commercial ship vessels, pertaining to certain vessel activities and related to ship vessel operations taking place in the marine water of the State of Alaska;**"

Page 1, following line 5:

Insert a new bill section to read:

**\*\* Section 1.** AS 43.20.021(a) is amended to read:

(a) Sections 26 U.S.C. 1 - 1399 and 6001 - 7872 (Internal Revenue Code), as amended, are adopted by reference as a part of this chapter. These portions of the Internal Revenue Code have full force and effect under this chapter unless excepted to or modified by other provisions of this chapter. However,

**(1)** nothing in this chapter or in AS 43.19 (Multistate Tax Compact) may be construed as an exception to or modification of 26 U.S.C. 883; **and**

**(2) the provisions of (1) of this subsection do not apply to commercial passenger vessels, as defined in AS 43.52.199."**

Page 1, line 6:

Delete "Section 1"

Insert "Sec. 2"

ReNUMBER the following bill sections accordingly.

Page 2, line 14:

Delete all material and insert:

**\*\* Sec. 3.** AS 43.52 is amended by adding new sections to read:

**Article 2. Excise Tax on Travel Aboard  
Commercial Passenger Vessels.**

**Sec. 43.52.100. Levy of excise tax on overnight accommodations on commercial passenger vessels.** There is imposed an excise tax on travel on commercial passenger vessels providing overnight accommodations in the state's marine water.

**Sec. 43.52.110. Rate of tax.** The tax imposed by AS 43.52.100 - 43.52.199 is levied at a rate of \$46 a passenger a voyage.

**Sec. 43.52.120. Liability for payment of tax.** A passenger traveling on a commercial passenger vessel providing overnight accommodations in state marine waters is liable for the tax imposed by AS 43.52.100 - 43.52.199. The tax shall be collected and is due and payable

(1) by the person who provides travel aboard a commercial vessel for which the tax is payable; and

(2) in the manner and at the times required by the

department by regulation.

**Sec. 43.52.130. Disposition of receipts.** (a) The proceeds from the tax on travel on commercial passenger vessels providing overnight accommodations in the state marine water shall be deposited in a commercial vessel passenger tax account in the general fund. The legislature may appropriate money from this account for the purposes described in (b) and (c) of this section, for state-owned port and harbor facilities, for other services to properly provide for vessel or watercraft visits, to enhance the safety and efficiency of interstate and foreign commerce, and for other lawful purposes as determined by the legislature.

(b) For each sailing of a commercial passenger vessel providing overnight accommodations, the commissioner shall identify the first five ports of call in the state and the number of passengers on board the vessel at each port of call. Subject to appropriation by the legislature, the commissioner shall distribute to each port of call \$5 per passenger of the tax revenue collected from the tax levied under AS 43.52.100 - 43.52.199. If the port of call is a city located within a borough that is not unified with the borough, the commissioner shall, subject to appropriation by the legislature, distribute \$2.50 per passenger to the city and \$2.50 to the borough. Each port of call receiving funds under this section shall use the funds in a manner calculated to improve port and harbor facilities, and for other services to properly provide for vessel or watercraft visits, and to enhance the safety and efficiency of interstate and foreign commerce.

(c) Within the special commercial vessel passenger tax account established in (a) of this section, a regional cruise ship impact subaccount is established. The subaccount consists of 25 percent of the proceeds from the tax on travel aboard commercial passenger vessels providing overnight accommodations in the marine water of the state. Subject to appropriation by the legislature and regulations adopted by the department, the commissioner shall distribute funds to municipalities or other governmental entities within the Prince William Sound region, Southeast Alaska, or any other distinctive region affected by cruise-ship-related tourism activities but not entitled to receive funds based on port-of-call visitation as allowed by (b) of this section. The commissioner shall make the distribution authorized by the subsection only if the funds are used by the recipient to

provide services and infrastructure directly related to passenger vessel or watercraft visits or to enhance the safety and efficiency of interstate and foreign commerce related to vessel or watercraft activities.

**Sec. 43.52.140. Administration.** (a) The department shall

(1) administer AS 43.52.100 - 43.52.199; and  
(2) collect, and supervise and enforce the collection of, taxes due under AS 43.52.100 - 43.52.199 and penalties as provided in AS 43.05.

(b) The department may adopt regulations to carry out the purposes of AS 43.52.100 - 43.52.199.

**Sec. 43.52.150. Local levies.** Any municipality, whether home rule or general law, that receives passenger ship fee funds under this chapter may not impose a similar form of tax on travel on commercial passenger vessels engaged in activities involving overnight accommodations for passengers in state marine water. Any form of tax on travel on commercial passenger vessels engaged in activities involving overnight accommodations for passengers in state marine water enacted by a municipality, whether home rule or general law, before the effective date of AS 43.52.100 - 43.52.199 shall expire one year after the date that AS 43.52.100 - 43.52.199 becomes law if that municipality elects to receive funds under this chapter.

**Sec. 43.52.199. Definitions.** In AS 43.52.100 - 43.52.199, unless the context otherwise requires,

(1) "commercial passenger vessel" means a boat vessel that is used in the common carriage of passengers in commerce; "commercial passenger vessel" does not include

(A) vessels with fewer than 250 berths or other overnight accommodations for passengers;

(B) noncommercial vessels, warships, and vessels operated by the state, the United States, or a foreign government;

(2) "marine water of the state" and "state marine water" have the meaning given to "waters" in AS 46.03.900, except that they include only marine water.

contracted for carriage from one place to another;

(3) "passenger" means a person with whom a common carrier has contracted for carriage from one place to another;

(4) "voyage" means any trip or itinerary lasting more than

72 hours.

\* **Sec. 4.** AS 45.50.474 is repealed and reenacted to read:

**Sec. 45.50.474. Required disclosures in promotions on board cruise ships.** (a) A person may not conduct a promotion on board a cruise ship that mentions or features a business in a state port that has paid something of value for the purpose of having the business mentioned, featured, or otherwise promoted, unless the person conducting the promotion clearly and fully discloses orally and in all written materials used in the promotion that the featured businesses have paid to be included in the promotion. Each written notice of disclosure required by this subsection shall be in a typeface of not less than 14 points and in a contrasting color calculated to draw attention to the disclosure.

(b) A person or other entity aboard a cruise ship conducting or making a sale of tours, flightseeing operation or other shore-side activities to be delivered by a vendor or other entity at a future port of call shall disclose, both orally and in writing, the amount of commission or percentage of the total sale retained or returned to the person making the sale. The person or entity aboard a cruise ship making or attempting to make a sale of services or goods provided by a shore-side vendor shall disclose the address and telephone number of the shore side vendor if asked by a customer. Each written notice of disclosure required by this subsection shall be in a typeface of not less than 14 points and in a contrasting color calculated to draw attention to the disclosure.

(c) Each violation of this section constitutes an unfair trade practice under AS 45.50.471, and shall result in a penalty of not more than \$100 for each violation.

(d) In this section, "cruise ship" means a ship that operates at least 48 hours in length for ticketed passengers, provides overnight accommodations and meals for at least 250 passengers, is operated by an authorized cruise ship operator, and is certified under the International Convention for the Safety of Life at Sea or otherwise certified by the United States Coast Guard.

\* **Sec. 5.** AS 46.03.462 is repealed and reenacted to read:

**Sec. 46.03.462. Terms and conditions of discharges.** (a) An owner or operator may not discharge any treated sewage, graywater, or other wastewater from a large commercial passenger vessel into the marine waters of the state unless the owner or

operator obtains a permit under AS 46.03.100, which shall comply with the terms and conditions of vessel discharge requirements specified in (b) of this section.

(b) The minimum standard terms and conditions for all discharge permits authorized under this provision require that the owner or operator

(1) may not discharge untreated sewage, treated sewage, graywater, or other wastewater in a manner that violates any applicable effluent limits or standards under state or federal law, including state water quality standards governing pollution at the point of discharge;

(2) shall maintain records and provide the reports required under AS 46.03.465(a);

(3) shall collect and test samples as required under AS 46.03.465(b) and (d) and provide the reports with respect to those samples required by AS 46.03.475(c);

(4) shall report discharges in accordance with AS 46.03.475(a);

(5) shall allow the department access to the vessel at the time samples are taken under AS 46.03.465 for purposes of taking the samples or for purposes of verifying the integrity of the sampling process; and

(6) shall submit records, notices, and reports to the department in accordance with AS 46.03.475(b), (d), and (e).

\* **Sec. 6.** AS 46.03.463(b) is amended to read:

(b) Except as provided in (h) of this section [OR UNDER AS 46.03.462(c) - (e)], a person may not discharge sewage from a commercial passenger vessel into the marine waters of the state that has suspended solids greater than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per 100 milliliters except that the department may by regulation adopt a protocol for retesting for fecal coliform, if this discharge limit for fecal coliform is exceeded, under which a discharger will be considered to be in compliance with the fecal coliform limit if the geometric mean of fecal coliform count in the samples considered under the protocol does not exceed 200 colonies per 100 milliliters. [UPON SUBMISSION BY THE OWNER OR OPERATOR OF A SMALL COMMERCIAL PASSENGER VESSEL OF A PLAN FOR INTERIM PROTECTIVE MEASURES UNDER AS 46.03.462(c)(2) AND (d), THE DEPARTMENT SHALL

EXTEND THE TIME FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION.]

\* **Sec. 7.** AS 46.03.463(c) is amended to read:

(c) Except as provided in (h) of this section [OR UNDER AS 46.03.462(c) - (e)], a person may not discharge graywater or other wastewater from a commercial passenger vessel into the marine waters of the state that has suspended solids greater than 150 milligrams per liter or a fecal coliform count greater than 200 colonies per 100 milliliters except that the department may by regulation adopt a protocol for retesting for fecal coliform, if this discharge limit for fecal coliform is exceeded, under which a discharger will be considered to be in compliance with the fecal coliform limit if the geometric mean of fecal coliform count in the samples considered under the protocol does not exceed 200 colonies per 100 milliliters. Upon submission by the owner or operator of a large commercial passenger vessel of a plan for interim protective measures, the department shall extend the time for compliance of that vessel with this subsection for a period of time that ends not later than January 1, 2003. [UPON SUBMISSION BY THE OWNER OR OPERATOR OF A SMALL COMMERCIAL PASSENGER VESSEL OF A PLAN FOR INTERIM PROTECTIVE MEASURES UNDER AS 46.03.462(c)(2) AND (d), THE DEPARTMENT SHALL EXTEND THE TIME FOR COMPLIANCE OF THAT VESSEL WITH THIS SUBSECTION.]

\* **Sec. 8.** AS 46.03.463(e) is repealed and reenacted to read:

(e) An owner or operator may not discharge any treated sewage, graywater, or other wastewater from a large commercial passenger vessel into the marine waters of the state unless the owner or operator obtains a permit under AS 46.03.100 and 46.03.462, and the vessel is not in an area where the discharge of treated sewage, graywater, or other wastewater is otherwise prohibited.

\* **Sec. 9.** AS 46.03.465(a) is repealed and reenacted to read:

(a) The owner or operator of a commercial passenger vessel shall maintain daily records related to the period of operation while in the state, detailing the dates, times, and locations, and the volumes and flow-rates of any discharges of sewage, graywater, or other wastewater into the marine waters of the state, and provide electronic copies of the records on a monthly basis to the

department no later than five days after each calendar month of operation in state waters.

\* **Sec. 10.** AS 46.03.465(b) is repealed and reenacted to read:

(b) While a commercial passenger vessel is present in the marine waters of the state, the owner or operator of the vessel shall provide an hourly report of the vessel's location based on global positioning system technology and collect routine samples of the vessel's treated sewage, graywater, and other wastewater that are being discharged into the marine waters of the state.

\* **Sec. 11.** AS 46.03.465(c) is repealed and reenacted to read:

(c) While a commercial passenger vessel is present in the marine waters of the state, the department, or an independent contractor retained by the department, may collect additional samples of the vessel's treated sewage, graywater, and other wastewaters being discharged into the marine waters of the state.

\* **Sec. 12.** AS 46.03.465(d) is repealed and reenacted to read:

(d) The owner or operator of a vessel required to collect samples under (b) of this section shall ensure that all sampling techniques and frequency of sampling events are approved by the department in a manner sufficient to ensure demonstration of compliance with all discharge requirements under AS 46.03.462.

\* **Sec. 13.** AS 46.03 is amended by adding a new section to read:

**Sec. 43.03.476. Ocean Rangers.** (a) An owner or operator of a large commercial passenger vessel entering the marine waters of the state is required to have a marine engineer licensed by the United States Coast Guard hired or retained by the department on board the vessel to act as an independent observer for the purpose of monitoring state and federal requirements pertaining to marine discharge and pollution requirements and to ensure that passengers, crew, and residents at ports are protected from improper sanitation, health, and safety practices.

(b) The licensed marine engineer shall monitor, observe, and record data and information related to the engineering, sanitation, and health-related operations of the vessel, including registration, reporting, record keeping, and discharge functions required by state and federal law.

(c) Any information recorded or gathered by the licensed marine engineer shall be promptly conveyed to the department and the United States Coast Guard on a form or in a manner approved by the commissioner. The commissioner may share information

gathered with other state and federal agencies.

\* **Sec. 14.** AS 46.03.480 is amended by adding a new subsection to read:

(e) An additional fee in the amount of \$4 a berth, is imposed on all large commercial passenger vessels, other than vessels operated by the state, for the purpose of operating the Ocean Ranger program established in AS 46.03.476; the program shall be subject to legislative appropriation.

\* **Sec. 15.** AS 46.03 is amended by adding a new section to read:

**Sec. 46.03.481. Citizens' suits.** (a) Any citizen of the State of Alaska may commence a civil action (1) against an owner or operator of a large passenger vessel alleged to have violated any provision of AS 46.03.460 - 46.03.490, or (2) against the department where there is an alleged failure to perform any act or duty under AS 46.03.460 - 46.03.490 that is not discretionary. No civil action may be commenced under this section, however, prior to 45 days after the plaintiff has provided written notice of the intent to sue to the attorney general.

(b) Subject to appropriation, as necessary, up to 50 percent and not less than 25 percent of any fines, penalties or other funds recovered as a result of enforcement of AS 46.03.460 - 46.03.490 shall be paid to the person or entity, other than the defendant, providing information sufficient to commence an investigation and enforcement of AS 46.03.460 - 46.03.490 under this provision.

\* **Sec. 16.** AS 46.03.760 is amended by adding a new subsection to read:

(g) An owner, agent, employee or operator of a commercial passenger vessel as defined in AS 43.52.199 who falsifies a registration or report required by AS 46.03.460 or 46.03.475 or who violates or causes or permits to be violated a provision of AS 46.03.250 - 46.03.313, AS 46.03.460 - 46.03.490, AS 46.14, or a regulation, a lawful order of the department, or a permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under AS 46.03.250 - 46.03.314, AS 46.03.460 - 46.03.490, or AS 46.14 is liable, in a civil action, to the state for a sum to be assessed by the court of not less than \$5,000 nor more than \$100,000 for the initial violation, nor more than \$10,000 for each day after that on which the violation continues, and that shall reflect, when applicable,

(1) reasonable compensation in the nature of liquidated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality; for a violation relating to AS 46.14, the court, in making its determination under this paragraph, shall also consider the degree to which the discharge causes harm to persons or property; this paragraph may not be construed to limit the right of parties other than the state to recover for personal injuries or damage to their property;

(2) reasonable costs incurred by the state in detection, investigation, and attempted correction of the violation;

(3) the economic savings realized by the person in not complying with the requirement for which a violation is charged; and

(4) the need for an enhanced civil penalty to deter future noncompliance.

\* **Sec. 17.** AS 46.03.463(d) and 46.03.463(g) are repealed.

\* **Sec. 18.** Sections 3 and 5, ch. 153, SLA 2004, are repealed.

\* **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Revenue may proceed to adopt regulations to implement sec. 3 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of sec. 3 of this Act.

\* **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. Any portion of this legislation that is declared unlawful shall be stricken in a manner that preserves the remaining portion of the remaining legislation to the maximum extent possible.

\* **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION: The revisor of statutes shall substitute "AS 43.52.010 - 43.52.099" for "this chapter" wherever "this chapter" occurs in AS 43.52.010 - 43.52.099.

\* **Sec. 22.** Section 16, ch. 153, SLA 2004, is amended to read:  
Sec. 16. Sections [3, 5,] 8, 10, 12, and 13 of this Act take effect January 1, 2016.

\* **Sec. 23.** This Act takes effect immediately under AS 01.10.070(c)."

Representative Gatto moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Rokeberg objected and rose to a point of order citing Rule 35 of the Uniform Rules.

The Speaker ruled that the amendment was in order.

Representative Ramras placed a call of the House.

The call was satisfied.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

HCS SB 174(FIN) am H  
Second Reading  
Amendment No. 4

**YEAS: 7 NAYS: 29 EXCUSED: 4 ABSENT: 0**

Yeas: Berkowitz, Cissna, Gara, Gardner, Gatto, Guttenberg, Kerttula

Nays: Anderson, Chenault, Coghill, Croft, Dahlstrom, Elkins, Foster, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Stoltze, Thomas, Wilson

Excused: Crawford, Gruenberg, Seaton, Weyhrauch

And so, Amendment No. 4 was not adopted.

The question being: "Shall HCS SB 174(FIN) am H pass the House?"  
The roll was taken with the following result:

HCS SB 174(FIN) am H  
Third Reading  
Final Passage

**YEAS: 35 NAYS: 1 EXCUSED: 4 ABSENT: 0**

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

Nays: Rokeberg

Excused: Crawford, Gruenberg, Seaton, Weyhrauch

And so, HCS SB 174(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 clause. There being no objection, it was so ordered.

Representative Croft gave notice of reconsideration of the vote on HCS SB 174(FIN) am H.

The Speaker stated that, without objection, the House would recess to 3:00 p.m.; and so, the House recessed at 12:07 p.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 5:00 p.m.

#### **CONSIDERATION OF THE DAILY CALENDAR**

(continued)

#### **SECOND READING OF HOUSE RESOLUTIONS**

##### **HCR 18**

The following, which was held over from the May 8, 2005, calendar (page 1818), was read the second time:

##### **HOUSE CONCURRENT RESOLUTION NO. 18**

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 174, excluding certain trucks from the definition of "passenger vehicle" for purposes of the passenger vehicle rental tax.

\*\*The presence of Representatives Gruenberg and Seaton, who were excused (page 1827), was noted.

The question being: "Shall HCR 18 pass the House?" The roll was taken with the following result:

HCR 18

Second Reading

Final Passage

**YEAS: 32 NAYS: 0 EXCUSED: 0 ABSENT: 8**

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

Absent: Anderson, Berkowitz, Crawford, Guttenberg, McGuire, Moses, Ramras, Weyhrauch

And so, HCR 18 passed the House.

Representative Croft gave notice of reconsideration of the vote on HCR 18.

\*\*The presence of Representative Weyhrauch, who was excused (page 1827), was noted.

### RECONSIDERATION

#### SB 147

Representative Weyhrauch brought up reconsideration of the vote on HCS CSSB 147(RLS)(fld H) (page 1810).

The following was again before the House in third reading:

HOUSE CS FOR CS FOR SENATE BILL NO. 147(RLS)

"An Act providing for a sport fishing facility surcharge on sport fishing licenses; providing for the construction and renovation of state sport fishing facilities and for other projects beneficial to the sport fish resources of the state as a public enterprise; and authorizing the issuance of revenue bonds to finance those projects."

Representative Holm placed a call of the House.

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

The Speaker stated the call was satisfied.

The question to be reconsidered: "Shall HCS CSSB 147(RLS) pass the House?" The roll was taken with the following result:

HCS CSSB 147(RLS)--RECONSIDERATION

Third Reading

Final Passage

**YEAS: 24 NAYS: 16 EXCUSED: 0 ABSENT: 0**

Yeas: Anderson, Chenault, Coghill, Elkins, Foster, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kelly, Kerttula, Kott, McGuire, Moses, Neuman, Olson, Rokeberg, Samuels, Seaton, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gatto, Kapsner, Kohring, LeDoux, Lynn, Meyer, Ramras, Salmon, Stoltze

And so, HCS CSSB 147(RLS) passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would revert to:

#### **MESSAGES FROM THE GOVERNOR**

The following Governor's proclamation, dated May 9, 2005, was read:

"Under the authority of art. II, sec. 9, and art. III, sec. 17, of the Alaska Constitution, and in the public interest, I call the Twenty-Fourth legislature of the State of Alaska into its first special session at Juneau, Alaska in the legislative chambers on May 11, 2005, at 10:00 a.m. to consider the passage of bills on subjects germane to the titles of the following bills while those bills were under consideration by the Senate and House of Representatives during the first regular session:

1. Senate Bill 46 - capital appropriations and appropriations to capitalize funds;
2. Senate Bill 130 - workers' compensation;
3. Senate Bill 141 - teachers' and public employees' retirement systems;
4. House Bill 1 - base student allocation used in the formula for state funding of public education;
5. House Bill 66 - appropriations for operating and capital expenses of the states' integrated comprehensive mental health program;
6. House Bill 67 - appropriations for the operating and loan program expenses of state government; and
7. Senate Bill 97 - supplemental, capital, and other appropriations, and reappropriations.

Done by,  
/s/  
Frank H. Murkowski  
Governor"

Representative Berkowitz asked if the special session was specific to the bill numbers and requested a ruling of the Chair .

The Speaker ruled that the special session is on subjects germane to the titles of the bills.

### REPORTS OF STANDING COMMITTEES

#### **SB 137**

The Judiciary Committee has considered:

#### SENATE BILL NO. 137

"An Act providing that an institution providing accommodations exempt from the provisions of the Uniform Residential Landlord and Tenant Act may evict tenants without resorting to court proceedings under AS 09.45.060 - 09.45.160."

and recommends it be replaced with:

## HOUSE CS FOR SENATE BILL NO. 137(L&amp;C)

"An Act providing that the University of Alaska may evict a tenant from student housing that is exempt from the provisions of the Uniform Residential Landlord and Tenant Act without resorting to court proceedings under AS 09.45.060 - 09.45.160."

(HCR 14 - title change resolution)

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

Do pass (2): Kott, McGuire

No recommendation (3): Gruenberg, Coghill, Gara

Amend (1): Anderson

The following fiscal note(s) apply to HCS SB 137(L&C):

1. Zero, Dept. of Law

SB 137 is on today's first supplemental calendar.

### REPORTS OF SPECIAL COMMITTEES

#### SB 141

The Conference Committee considering:

## HOUSE CS FOR CS FOR SENATE BILL NO. 141(FIN) am H

"An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement

systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date."

and

CS FOR SENATE BILL NO. 141(FIN)  
(same title)

did not come to agreement on Sections 35 - 50, Sections 132 - 133, AS 14.25.315 in Section 32, and AS 39.35.705 in Section 120 and respectfully requests that a Free Conference Committee be appointed.

The request was signed by Representatives Seaton, Weyhrauch, Crawford; and Senators Green (Chair), Seekins, Olson.

The Conference Committee with limited powers was discharged. The Speaker later appointed the Free Conference Committee members.

**SECOND READING OF SENATE BILLS**  
(continued)

**SB 135**

The following, which was moved to the bottom of the calendar (page 1837), was read the second time:

CS FOR SENATE BILL NO. 135(JUD)(efd am)  
"An Act relating to the crimes of assault and custodial interference; and providing for an effective date."

with the:	Journal Page
JUD RPT 5DP 1NR 1AM	1680
FN1: ZERO(ADM)	1680

FN2: ZERO(CRT)	1680
FN3: ZERO(LAW)	1680
FIN RPT 2DP 4NR 1AM	1831
FN1: ZERO(ADM)	1832
FN2: ZERO(CRT)	1832
FN3: ZERO(LAW)	1832

Amendment No. 1 was offered by Representative Berkowitz:

Page 1, line 13 through Page 2, line 1:

Delete "**would cause a reasonable caregiver to seek medical attention from a health care professional in the form of diagnosis or treatment**"

Insert "**causes disfigurement, impairment of health, or loss or impairment of the function of a body member or organ**"

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

Representative Coghill objected.

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

CSSB 135(JUD)(efd am)

Second Reading

Amendment No. 1

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

Yeas: Berkowitz, Cissna, Crawford, Guttenberg, Hawker, Joule, Kapsner, Kerttula, Kohring, Kott, Thomas

Nays: Chenault, Coghill, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Harris, Holm, Kelly, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze

Absent: Anderson, Croft, Moses, Salmon, Weyhrauch, Wilson

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that CSSB 135(JUD)(efd am) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSSB 135(JUD)(efd am) will advance to third reading on tomorrow's calendar.

**SB 87**

Representative McGuire moved and asked unanimous consent that the following, which was moved to the bottom of the calendar (page 1838), be moved to the bottom of the calendar:

HOUSE CS FOR SENATE BILL NO. 87(JUD)  
"An Act relating to motor vehicle safety belt violations."

There being no objection, it was so ordered.

**CONSIDERATION OF THE FIRST SUPPLEMENTAL  
CALENDAR**

Representative Coghill moved and asked unanimous consent that the House adopt the First Supplemental Calendar. There being no objection, the following was adopted:

HB 37 PUBLIC ACCESS TO FISHING STREAMS  
SB 137 EVICTING INSTITUTIONAL PROPERTY USERS  
HCR 14 SUSPEND UNIFORM RULES FOR SB 137

**SECOND READING OF HOUSE BILLS**

**HB 37**

The following was read the second time:

HOUSE BILL NO. 37  
"An Act relating to public access to fishing streams."

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with the:	Journal Page
FSH RPT CS(FSH) NT 2DP 1DNP 2NR	1104
FN1: ZERO(DFG)	1104
FN2: (DNR)	1104
RES RPT CS(RES) NT 2DP 3NR	1253
FN1: ZERO(DFG)	1253
FN2: (DNR)	1253
FIN RPT CS(FIN) NT 3DP 6NR 1AM	1759
FN1: ZERO(DFG)	1759
FN3: ZERO(H.FIN/DNR)	1759

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. 37(FIN)

"An Act relating to voluntary land trades and purchases to enhance public access to fishing streams."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Gara and Kelly:

Page 1, line 14, following "desirable":

Insert "foot, motorized, or other"

Page 2, line 3, following "fishing or":

Insert "other"

Page 2, line 13:

Delete "by foot"

Page 2, line 26, following "support a":

Insert "sport,"

Representative Gara moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 37(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 37(FIN) am was read the third time.

The question being: "Shall CSHB 37(FIN) am pass the House?" The roll was taken with the following result:

CSHB 37(FIN) am  
Third Reading  
Final Passage

**YEAS: 37 NAYS: 1 EXCUSED: 0 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, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch

Nays: Salmon

Absent: Moses, Wilson

And so, CSHB 37(FIN) am passed the House.

Representative Gara moved and asked unanimous consent that the House adopt the following letter of intent:

"It is the intent of the legislature to ensure Alaskans retain ample public access to Alaska's fishing streams. While the state has retained public access to and along important recreational waters when land has been transferred under current law, land sales and disposals under prior laws or by the federal government to private landowners resulted in hampered or no legal public access to important fishing waters in the state. It is in the interest of the state to try to negotiate land or easement purchases or trades for property along important fishing and recreational waters, with willing landowners in a voluntary manner, before it becomes too expensive to accomplish the goal of preserving and protecting public access to and along the state's important fishing waters.

It is also the intent of the Legislature that, in implementing this Act, the Department of Natural Resources and the Department of Fish and Game may not be placed under strictures or be subject to appeal rules that would add undue cost to this program."

There being no objection, it was so ordered.

CSHB 37(FIN) am was referred to the Chief Clerk for engrossment.

### SECOND READING OF SENATE BILLS

#### SB 137

The following was read the second time:

#### SENATE BILL NO. 137

"An Act providing that an institution providing accommodations exempt from the provisions of the Uniform Residential Landlord and Tenant Act may evict tenants without resorting to court proceedings under AS 09.45.060 - 09.45.160."

with the:	Journal Page
L&C RPT HCS(L&C) NT 3DP 4NR	1419
FN1: ZERO(LAW)	1420
JUD RPT HCS(L&C) NT 2DP 3NR 1AM	1855
FN1: ZERO(LAW)	1856

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

#### HOUSE CS FOR SENATE BILL NO. 137(L&C)

"An Act providing that the University of Alaska may evict a tenant from student housing that is exempt from the provisions of the Uniform Residential Landlord and Tenant Act without resorting to court proceedings under AS 09.45.060 - 09.45.160."

(HCR 14 - title change resolution)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS SB 137(L&C) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HCS SB 137(L&C) will advance to third reading on tomorrow's calendar.

## **SECOND READING OF HOUSE RESOLUTIONS**

### **HCR 14**

The Speaker stated that, without objection, the following would be held to tomorrow's calendar:

#### **HOUSE CONCURRENT RESOLUTION NO. 14**

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 137, providing that an institution providing accommodations exempt from the provisions of the Uniform Residential Landlord and Tenant Act may evict tenants without resorting to court proceedings under AS 09.45.060 - 09.45.160.

## **RECONSIDERATION**

### **SB 158**

Representative Coghill brought up reconsideration of the vote on SB 158(efd fld H) (page 1724).

The following, which had been held on reconsideration (page 1818), was again before the House in third reading:

#### **SENATE BILL NO. 158**

"An Act prohibiting the imposition of municipal sales and use taxes on state construction contracts and certain subcontracts; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that SB 158 be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Harris and Coghill:

Page 1, line 1, following "Act" (title amendment):

Insert **"relating to the determination of full and true value of taxable municipal property for purposes of providing planning assistance to the Department of Education and Early Development and the legislature, calculating funding for education, calculating school district participating shares for school construction grants, and calculating tax resource equalization payments and excluding from that determination the value of property in certain areas detached from a municipality and the value of certain property involved with oil and gas that is not taxed by a municipality; and"**

Page 1, following line 3:

Insert a new bill section to read:

**\*\* Section 1.** AS 14.17.510(a) is amended to read:

(a) To determine the amount of required local contribution under AS 14.17.410(b)(2) and to aid the department and the legislature in planning, the Department of Commerce, Community, and Economic Development, in consultation with the assessor for each district in a city or borough, shall determine the full and true value of the taxable real and personal property in each district in a city or borough. If there is no local assessor or current local assessment for a city or borough school district, then the Department of Commerce, Community, and Economic Development shall make the determination of full and true value from information available. In making the determination, the Department of Commerce, Community, and Economic Development shall be guided by AS 29.45.110. **However, the full and true value of taxable real and personal property in any area detached shall be excluded from the determination of the full and true value of the municipality from which the property was detached for the two years immediately preceding the effective date of the detachment. Also, in making the determination for a municipality that is a school**

**district, or for a city that is within a borough school district, the assessed value of property taxable under AS 43.56 shall be excluded if a tax is not levied under AS 29.45.080 by the municipality that is the school district.** The determination of full and true value shall be made by October 1 and sent by certified mail, return receipt requested, on or before that date to the president of the school board in each city or borough school district. Duplicate copies shall be sent to the commissioner. The governing body of a city or borough that is a school district may obtain judicial review of the determination. The superior court may modify the determination of the Department of Commerce, Community, and Economic Development only upon a finding of abuse of discretion or upon a finding that there is no substantial evidence to support the determination."

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

Representative Coghill 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 and the new title follows:

SENATE BILL NO. 158 am H

"An Act relating to the determination of full and true value of taxable municipal property for purposes of providing planning assistance to the Department of Education and Early Development and the legislature, calculating funding for education, calculating school district participating shares for school construction grants, and calculating tax resource equalization payments and excluding from that determination the value of property in certain areas detached from a municipality and the value of certain property involved with oil and gas that is not taxed by a municipality; and prohibiting the imposition of municipal sales and use taxes on state construction contracts and certain subcontracts; and providing for an effective date."

The Speaker stated that, without objection, the House would recess to 7:15 p.m.; and so, the House recessed at 6:37 p.m.

### AFTER RECESS

The Speaker called the House back to order at 8:25 p.m.

### RECONSIDERATION

(continued)

#### **SB 158**

SB 158 am H was again before the House in third reading.

The question to be reconsidered: "Shall SB 158 am H pass the House?" The roll was taken with the following result:

SB 158 am H--RECONSIDERATION

Third Reading

Final Passage

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

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, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Stoltze, Thomas, Weyhrauch, Wilson

Absent: Kohring, Meyer, Seaton

And so, SB 158 am H passed the House on reconsideration.

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.

SB 158 am H was referred to the Chief Clerk for engrossment.

**SPECIAL ORDER OF BUSINESS****HCR 22**

Representative Coghill moved and asked unanimous consent that the following be taken up as a Special Order of Business:

## HOUSE CONCURRENT RESOLUTION NO. 22

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 158, prohibiting the imposition of sales and use taxes on state construction contracts and certain subcontracts.

There being no objection, it was so ordered.

The question being: "Shall HCR 22 pass the House?" The roll was taken with the following result:

HCR 22

Special Order of Business

**YEAS: 39 NAYS: 0 EXCUSED: 0 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, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Absent: Kohring

And so, HCR 22 passed the House and was referred to the Chief Clerk for engrossment.

**CONSIDERATION OF THE DAILY CALENDAR**

(continued)

**THIRD READING OF SENATE BILLS**

(continued)

**SB 87**

The following, which was moved to the bottom of the calendar (page 1859), was again before the House:

HOUSE CS FOR SENATE BILL NO. 87(JUD)  
"An Act relating to motor vehicle safety belt violations."

Representative Dahlstrom moved and asked unanimous consent that HCS SB 87(JUD) be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Dahlstrom:

Page 2, lines 8 - 13:  
Delete all material.

Renumber the following bill section accordingly.

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

Representative McGuire objected.

Representative McGuire placed a call of the House on the bill.

The call was satisfied.

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

HCS SB 87(JUD)  
Second Reading  
Amendment No. 1

**YEAS: 18 NAYS: 22 EXCUSED: 0 ABSENT: 0**

Yeas: Chenault, Cissna, Coghill, Crawford, Dahlstrom, Elkins, Gardner, Gatto, Guttenberg, Holm, Kohring, Kott, LeDoux, Lynn, Neuman, Ramras, Stoltze, Thomas

Nays: Anderson, Berkowitz, Croft, Foster, Gara, Gruenberg, Harris, Hawker, Joule, Kapsner, Kelly, Kerttula, McGuire, Meyer, Moses, Olson, Rokeberg, Salmon, Samuels, Seaton, Weyhrauch, Wilson

And so, Amendment No. 1 was not adopted.

Amendment No. 2 and Amendment No. 3 were not offered.

Representative Stoltze moved and asked unanimous consent that HCS SB 87(JUD) be returned to second reading for the specific purpose of considering Amendment No. 5. There being no objection, it was so ordered.

Amendment No. 5 was offered by Representative Stoltze:

Page 1, line 1, following "**violations**" (title amendment):

Insert "**; and providing for an effective date**"

Page 2, following line 13:

Insert a new bill section to read:

"\* **Sec. 4.** AS 28.05.095(e) is amended to read:

(e) Notwithstanding any other provision of law, a peace officer may not stop or detain a motor vehicle to determine compliance with (a) of this section, or issue a citation for a violation of (a) of this section, unless the peace officer has probable cause to stop or detain the motor vehicle **other than for a violation of (a) of this section.**"

Renumber the following bill section accordingly.

Page 2, following line 18:

Insert new bill sections to read:

"\* **Sec. 6.** AS 28.05.095(f) is repealed.

\* **Sec. 7.** Sections 1 - 3 and 5 of this Act take effect July 1, 2005.

\* **Sec. 8.** Sections 4 and 6 of this Act take effect June 30, 2008."

Representative Stoltze moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative McGuire objected.

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

HCS SB 87(JUD)  
Second Reading  
Amendment No. 5

**YEAS: 19 NAYS: 21 EXCUSED: 0 ABSENT: 0**

Yeas: Chenault, Coghill, Crawford, Dahlstrom, Elkins, Gardner, Gatto, Guttenberg, Harris, Holm, Kohring, Kott, LeDoux, Lynn, Meyer, Neuman, Ramras, Stoltze, Thomas

Nays: Anderson, Berkowitz, Cissna, Croft, Foster, Gara, Gruenberg, Hawker, Joule, Kapsner, Kelly, Kerttula, McGuire, Moses, Olson, Rokeberg, Salmon, Samuels, Seaton, Weyhrauch, Wilson

And so, Amendment No. 5 was not adopted.

Representative Stoltze moved and asked unanimous consent that HCS SB 87(JUD) be returned to second reading for the specific purpose of considering Amendment No. 4. There being no objection, it was so ordered.

Amendment No. 4 was offered by Representative Stoltze:

Page 1, following line 2:

Insert a new bill section to read:

\*\* **Section 1.** AS 18.80.060(a) is amended to read:

(a) In addition to the other powers and duties prescribed by this chapter, the commission shall

(1) appoint an executive director approved by the governor;

(2) hire other administrative staff as may be necessary to the commission's function;

(3) exercise general supervision and direct the activities of the executive director and other administrative staff;

(4) accept complaints under AS 18.80.100;

(5) study the problems of discrimination in all or specific fields of human relationships, foster through community effort or goodwill, cooperation and conciliation among the groups and elements of the population of the state, and publish results of investigations and research as in its judgment will tend to eliminate discrimination because of race, religion, color, national ancestry, physical or mental disability, age, sex, marital status, changes in marital status, pregnancy, or parenthood;

(6) make an overall assessment, at least once every three years, of the progress made toward equal employment opportunity

by every department of state government; results of the assessment shall be included in the annual report made under AS 18.80.150;

**(7) annually study the demographics of the application of the primary seat belt law provided for in AS 28.05.095(a) and compile a report that identifies who and what groups are being found to be in violation of the law and identifies the violations by areas of the state; the commission shall include this report with its annual report to the legislature required by AS 18.80.150.**

Page 1, line 3:

Delete "Section 1"

Insert "Sec. 2"

Renumber the following bill sections accordingly.

Representative Stoltze moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative McGuire objected.

Representative Stoltze moved and asked unanimous consent to withdraw Amendment No. 4. There being no objection, it was so ordered.

Representative Gruenberg moved and asked unanimous consent that HCS SB 87(JUD) be returned to second reading for the specific purpose of considering Amendment No. 6.

Representative Dahlstrom objected.

The question being: "Shall HCS SB 87(JUD) be returned to second reading for the specific purpose of considering Amendment No. 6?"  
The roll was taken with the following result:

HCS SB 87(JUD)

Third Reading

Return to Second for Amendment No. 6

**YEAS: 35 NAYS: 5 EXCUSED: 0 ABSENT: 0**

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

Nays: Dahlstrom, Elkins, Kott, Neuman, Weyhrauch

And so, HCS SB 87(JUD) was returned to second reading.

Amendment No. 6 was offered by Representatives McGuire and Gruenberg:

Page 2, lines 8 - 13:

Delete all material and insert:

\*\* **Sec. 3.** AS 28.05.095(e) is amended to read:

(e) Notwithstanding any other provision of law, a peace officer may not stop or detain a motor vehicle **being operated in a rural area** to determine compliance with (a) of this section, or issue a citation for a violation of (a) of this section, unless the peace officer has probable cause to stop or detain the motor vehicle other than for a violation of (a) of this section **or the violation occurred within a rural area that is a municipality and that municipality has enacted an ordinance providing that a violation of (a) of this section is a primary offense. In this subsection, "rural area" means a community (1) with a population of 5,000 or less; and (2) that is not connected by road to Anchorage or Fairbanks.**"

Representative McGuire moved and asked unanimous consent that Amendment No. 6 be adopted.

Representative Dahlstrom objected.

HCS SB 87(JUD)  
Second Reading  
Amendment No. 6

**YEAS: 20 NAYS: 20 EXCUSED: 0 ABSENT: 0**

Yeas: Anderson, Berkowitz, Chenault, Cissna, Crawford, Foster, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, LeDoux, McGuire, Rokeberg, Salmon, Samuels, Thomas, Wilson

Nays: Coghill, Croft, Dahlstrom, Elkins, Gatto, Harris, Hawker, Holm, Kelly, Kohring, Kott, Lynn, Meyer, Moses, Neuman, Olson, Ramras, Seaton, Stoltze, Weyhrauch

And so, Amendment No. 6 was not adopted.

HCS SB 87(JUD) was automatically in third reading.

The question being: "Shall HCS SB 87(JUD) pass the House?" The roll was taken with the following result:

HCS SB 87(JUD)

Third Reading

Final Passage

**YEAS: 21 NAYS: 19 EXCUSED: 0 ABSENT: 0**

Yeas: Anderson, Berkowitz, Cissna, Crawford, Gara, Gruenberg, Harris, Hawker, Joule, Kapsner, Kerttula, McGuire, Meyer, Moses, Olson, Rokeberg, Salmon, Samuels, Seaton, Weyhrauch, Wilson

Nays: Chenault, Coghill, Croft, Dahlstrom, Elkins, Foster, Gardner, Gatto, Guttenberg, Holm, Kelly, Kohring, Kott, LeDoux, Lynn, Neuman, Ramras, Stoltze, Thomas

And so, HCS SB 87(JUD) passed the House.

Representative Dahlstrom gave notice of reconsideration of the vote on HCS SB 87(JUD).

### RECONSIDERATION

#### SB 87

Representative Gruenberg moved and asked unanimous consent that reconsideration of HCS SB 87(JUD) be taken up on the same day.

There was objection.

Representative Gruenberg moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

### 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 - Lieutenant General Carrol H. Chandler

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

Honoring - John T. Kelsey

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

Honoring - Stephen E. Branchflower

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

Honoring - The Coast Guard Helicopter Crew Responding to the Selendang Ayu

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

Honoring - The North Pole Patriots, 2004 Alaska Football Champions  
By Representatives Coghill, Harris, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Honoring - National Correctional Officers' Week, May 1 - 7, 2005  
By Representatives Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Honoring - Gordon Jackson  
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, Stoltze, Thomas, Wilson

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

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

## Honoring - Mark Chapman

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

## Honoring - Dorcas Lutz, 35 Years of Public Service

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

## Honoring - St. Nicholas Russian Orthodox Church on its 110th Anniversary

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

## In Memoriam - Twyla "Colleen" Bowers

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

## In Memoriam - Arthur "Art" S. Buswell

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

In Memoriam - Raymond Leonard Callaway, Sr.

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

In Memoriam - Lance Corporal Jeremiah Colt Kinchen

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

In Memoriam - Edgar J. "Bud" Best

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

In Memoriam - Amos Wallace

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, Stoltze, Thomas, Wilson

In Memoriam - Barbara "Bobbie" Evelyn Rice

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, Stoltze, Thomas, Wilson

In Memoriam - Jesse Ward Robinson

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

In Memoriam - Fowler "Red" K. Starr

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

In Memoriam - Paul Robert Emerson

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, Stoltze, Thomas, Wilson

In Memoriam - Jerry Harlan Harper

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

In Memoriam - Simeon Nick Askoak

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

In Memoriam - Gertrude "Helen" Brown

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

In Memoriam - Roberta Fraser Johnson

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, Stoltze, Thomas, Wilson

The Speaker stated that, without objection, the House would revert to:

#### MESSAGES FROM THE SENATE

##### **SB 141**

The Conference Committee with limited powers of free conference considering:

HOUSE CS FOR CS FOR SENATE BILL NO. 141(FIN) am H  
"An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined

benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date."

and

CS FOR SENATE BILL NO. 141(FIN)  
(same title)

did not come to agreement.

The President appointed the following members to a Free Conference Committee to meet with a like committee from the House to consider the bills:

Senator Stedman, Chair  
Senator Wilken  
Senator Elton

The President granted the Committee the powers of free conference.

The Speaker appointed the following members to a Free Conference Committee to meet with a like committee from the Senate to consider the bills (page 1856):

Representative Kelly  
Representative Hawker  
Representative Kerttula

The Speaker granted the Committee the powers of free conference.

The Chief Clerk notified the Senate.

**SB 36**

A message dated May 9, 2005, was read stating the Senate has failed to concur in the House amendment to CSSB 36(JUD), namely:

HOUSE CS FOR CS FOR SENATE BILL NO. 36(JUD) am H  
"An Act relating to absentee ballots."

and respectfully requests the House to recede from its amendment.

In the event the House fails to recede, the President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Therriault, Chair  
 Senator Huggins  
 Senator Kookesh

### **RECEDE**

#### **SB 36**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message. There being no objection, it was so ordered.

Representative Coghill moved that the House recede from its amendment to CSSB 36(JUD), namely HCS CSSB 36(JUD) am H, and recommended that the members vote no.

The question being: "Shall the House recede from its amendment to CSSB 36(JUD)?" The roll was taken with the following result:

HCS CSSB 36(JUD) am H  
 Recede

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

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

Absent: Elkins, Kelly, Moses

And so, the House failed to recede.

The Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Seaton  
Representative Holm  
Representative Gruenberg

The Chief Clerk notified the Senate.

### MESSAGES FROM THE SENATE

#### SB 125

A message dated May 9, 2005, was read stating the Senate has failed to concur in the House amendment to:

#### CS FOR SENATE BILL NO. 125(JUD)

"An Act relating to the licensing, regulation, enforcement, and appeal rights of ambulatory surgical centers, assisted living homes, child care facilities, child placement agencies, foster homes, free-standing birth centers, home health agencies, hospices or agencies providing hospice services or operating hospice programs, hospitals, intermediate care facilities for the mentally retarded, maternity homes, nursing facilities, residential child care facilities, residential psychiatric treatment centers, runaway shelters, and rural health clinics; relating to possession of a firearm at licensed entities and facilities; relating to criminal history requirements, and a registry, regarding certain licenses, certifications, approvals, and authorizations by the Department of Health and Social Services; making conforming amendments; and providing for an effective date."

namely:

#### HOUSE CS FOR CS FOR SENATE BILL NO. 125(FIN) am H

"An Act relating to the licensing, regulation, enforcement, and appeal rights of ambulatory surgical centers, assisted living homes, child care facilities, child placement agencies, foster homes, free-standing birth centers, home health agencies, hospices or agencies providing hospice services or operating hospice programs, hospitals, intermediate care facilities for the mentally retarded, maternity homes, nursing facilities, residential child care facilities, residential psychiatric treatment centers, runaway shelters, and rural health clinics; relating to possession of a

firearm at licensed entities and facilities; relating to criminal history requirements, and a registry, regarding certain licenses, certifications, approvals, and authorizations by the Department of Health and Social Services; relating to public assistance for health facilities and assisted living homes, to rates charged by an assisted living home, and to the liability of recipients of home or community-based services to pay for those services; making conforming amendments; and providing for an effective date."

(HCR 21 - title change resolution)

and respectfully requests the House to recede from its amendment.

In the event the House fails to recede, the President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Dyson, Chair  
Senator Huggins  
Senator Davis

### RECEDE

#### **SB 125**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message. There being no objection, it was so ordered.

Representative Coghill moved that the House recede from its amendment to CSSB 125(JUD), namely HCS CSSB 125(FIN) am H, and recommended that the members vote no.

The question being: "Shall the House recede from its amendment to CSSB 125(JUD)?" The roll was taken with the following result:

HCS CSSB 125(FIN) am H  
Recede

**YEAS: 0 NAYS: 39 EXCUSED: 0 ABSENT: 1**

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

Absent: Kelly

And so, the House failed to recede.

The Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Anderson  
Representative McGuire  
Representative Gara

The Chief Clerk notified the Senate.

#### MESSAGES FROM THE SENATE

##### SB 130

A message dated May 9, 2005, was read stating the Senate has failed to concur in the House amendment to:

CS FOR SENATE BILL NO. 130(FIN) am

"An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals

Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task Force on Workers' Compensation; and providing for an effective date."

namely:

HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD) am H  
"An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date."

(HCR 19 - title change resolution)

and respectfully requests the House to recede from its amendment.

In the event the House fails to recede, the President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Ben Stevens, Chair  
Senator Seekins  
Senator Guess

### RECEDE

#### **SB 130**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message. There being no objection, it was so ordered.

Representative Coghill moved that the House recede from its amendment to CSSB 130(FIN) am, namely HCS CSSB 130(JUD) am H, and recommended that the members vote no.

The question being: "Shall the House recede from its amendment to CSSB 130(FIN) am?" The roll was taken with the following result:

HCS CSSB 130(JUD) am H  
Recede

**YEAS: 0 NAYS: 38 EXCUSED: 0 ABSENT: 2**

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

Absent: Kelly, Meyer

And so, the House failed to recede.

The Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Harris  
Representative Coghill  
Representative Guttenberg

The Chief Clerk notified the Senate.

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

A message dated May 9, 2005, was read stating the Senate has passed the following and it is transmitted for consideration:

#### **FIRST READING AND REFERENCE OF SENATE BILLS**

##### **SB 73**

CS FOR SENATE BILL NO. 73(FIN) am by the Senate Finance Committee, entitled:

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

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

#### **SPECIAL ORDER OF BUSINESS**

##### **HR 8**

Representative Coghill moved and asked unanimous consent that the following be taken up as a Special Order of Business:

## HOUSE RESOLUTION NO. 8

Establishing the House Task Force on Alaska Gaming Policy to consider the establishment of a gaming commission and study gaming activities in the state; and providing for a report of the findings to the Alaska Legislative Council.

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Stoltze:

Page 2, lines 28 - 29:

Delete all material and insert:

"(4) two members from charitable nonprofit organizations who receive income from gaming activities, including not less than one member from a veteran's organization;"

Page 2, line 30:

Delete all material and insert:

(5) two members who have a permit to operate under AS 05.15.122, including not less than one member who represents multiple beneficiary permittees; and"

Representative Stoltze 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 question being: "Shall HR 8 am pass the House?" The roll was taken with the following result:

HR 8 am

Special Order of Business

**YEAS: 33 NAYS: 2 EXCUSED: 0 ABSENT: 5**

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

Nays: Crawford, Croft

Absent: Holm, Kelly, Moses, Olson, Weyhrauch

Gara changed from "Nay" to "Yea".

Guttenberg changed from "Nay" to "Yea".

And so, HR 8 am passed the House and was referred to the Chief Clerk for engrossment and enrollment.

### **HR 9**

Representative Coghill moved and asked unanimous consent that the following be taken up as a Special Order of Business:

#### HOUSE RESOLUTION NO. 9

Relating to the plans of the United States Postal Service to discontinue air shipment of bypass mail between Fairbanks, Alaska, and Barrow, Alaska.

There being no objection, it was so ordered.

The question being: "Shall HR 9 pass the House?" The roll was taken with the following result:

HR 9

Special Order of Business

**YEAS: 35 NAYS: 0 EXCUSED: 0 ABSENT: 5**

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

Absent: Holm, Kelly, Moses, Olson, Weyhrauch

And so, HR 9 passed the House and was referred to the Chief Clerk for engrossment and enrollment.

**RECONSIDERATION****SB 110**

Representative Berkowitz brought up reconsideration of the vote on HCS CSSB 110(FIN) am H (page 1808).

The following was again before the House in third reading:

HOUSE CS FOR CS FOR SENATE BILL NO. 110(FIN) am H  
"An Act relating to regulation of the discharge of pollutants under the National Pollutant Discharge Elimination System."

Representative Coghill moved and asked unanimous consent that Representative Moses be excused from a call of the House for the remainder of this legislative day. There being no objection, it was so ordered.

The question to be reconsidered: "Shall HCS CSSB 110(FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 110(FIN) am H--RECONSIDERATION

Third Reading

Final Passage

**YEAS: 31 NAYS: 6 EXCUSED: 1 ABSENT: 2**

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

Nays: Gara, Kohring, LeDoux, Neuman, Seaton, Weyhrauch

Excused: Moses

Absent: Anderson, Gardner

And so, HCS CSSB 110(FIN) am H passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

**SPECIAL ORDER OF BUSINESS**

Representative Dahlstrom moved and asked unanimous consent that all members of the House be shown as cosponsors of the citation, In Memoriam - Lance Corporal Jeremiah Colt Kinchen. There being no objection, it was so ordered.

The citation, In Memoriam - Lance Corporal Jeremiah Colt Kinchen, is on today's calendar (page 1877).

Representative Coghill moved and asked unanimous consent that the notice and publication requirements be waived and the citations, Honoring - A Tribute to Those Who Toil on the House Floor and Honoring - Senate Sergeant-At-Arms, Senate Assistant Sergeant-At-Arms, Senate Pages be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

Representative Rokeberg moved and asked unanimous consent that all members of the House be shown as cosponsors of the citations. There being no objection, it was so ordered.

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

Honoring - A Tribute to Those Who Toil on the House Floor  
By Representatives Rokeberg, Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Honoring - Senate Sergeant-At-Arms, Senate Assistant Sergeant-At-Arms, Senate Pages  
By Senator Cowdery; Representatives Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

**UNFINISHED BUSINESS****HB 37**

Representative Gardner added her name as cosponsor to:

CS FOR HOUSE BILL NO. 37(FIN) am

"An Act relating to voluntary land trades and purchases to enhance public access to fishing streams."

**SB 22**

Representatives Gardner, Lynn, and Gara added their names as cross sponsors to:

CS FOR SENATE BILL NO. 22(FIN)

"An Act adding birthing centers to the list of health facilities eligible for payment of medical assistance for needy persons."

**SB 135**

Representative Lynn added his name as cross sponsor to:

CS FOR SENATE BILL NO. 135(JUD)(efd am)

"An Act relating to the crimes of assault and custodial interference; and providing for an effective date."

**ENGROSSMENT****HCR 22**

HCR 22 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 37**

CASHB 37(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted with a House letter of intent to the Senate for consideration.

**SB 102**

HCS CSSB 102(RES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**SB 110**

HCS CSSB 110(FIN) am H was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**SB 147**

HCS CSSB 147(RLS) was engrossed and signed by the Speaker and Chief Clerk.

**SB 158**

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

**ANNOUNCEMENTS**

With the appointment of a Conference Committee on the operating budget, Rule 23(d) of the Uniform Rules is in effect as of April 19, 2005. Submit written notice of a meeting by 4:00 p.m. to the Chief Clerk's office for publication in the next day's committee schedule.

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., May 10, 2005. There being no objection, the House adjourned at 10:54 p.m.

Suzi Lowell  
Chief Clerk