

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Wednesday

February 1, 2006

Twenty-fourth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:13 a.m.

Roll call showed 38 members present. Representative Joule was absent.

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

The invocation was offered by the Chaplain, Major Joe Huttenlocker of The Salvation Army. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

O God, we are reminded that "Happiness is not absence without conflict, but the ability to cope with it." We ask once again, O God, Your blessings upon these our servants and leaders of this great land and state of Alaska. We give Thee thanks for the faith, the love, the hope, the patience, the wisdom, the experience, and the maturity of those ancients, forefathers of this great land of Alaska. May these our leaders of this modern generation be as genuine in their service today. Give them strength to work hard. Give them clarity of mind to sort through the choices and conviction for their decisions. We ask this, O God, in Thy great name. May it be so. Amen.

The Pledge of Allegiance was led by Representative Moses.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 22nd and 23rd legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR**SB 87**

A message dated January 31, 2006, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

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

Chapter No. 2, SLA 2006
Effective Date: May 1, 2006

COMMUNICATIONS

The following were received:

Dept. of Administration
Division of Finance
Compensation and Travel Report of
Executive Positions for 2005
http://fin.admin.state.ak.us/dof/financial_reports/ctep_toc.jsp
(as required by AS 37.05.210)

Dept. of Administration
Office of Administrative Hearings
Second Annual Report to the Governor
of Alaska and the Alaska Legislature
January 31, 2006
(as required by AS 44.64.020)

Dept. of Corrections
Interstate Compact Annual Report 2006
January 30, 2006
(as required by AS 33.36.110)

Dept. of Education & Early Development
School Capital Project Funding
February 1, 2006
(as required by Chapter 3, SSSLA 2002)

REPORTS OF STANDING COMMITTEES

HB 326

The Finance Committee has considered:

HOUSE BILL NO. 326
"An Act relating to harassment."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 326(JUD)
"An Act relating to the definition of the crime of harassment."

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

Do pass (4): Foster, Moses, Kerttula, Meyer

No recommendation (3): Weyhrauch, Stoltze, Hawker

The following fiscal note(s) apply to CSHB 326(JUD):

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

HB 326 was referred to the Rules Committee for placement on the calendar.

HB 334

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 334

"An Act relating to an exemption from and deferral of municipal property taxes for certain types of deteriorated property."

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

Do pass (2): Cissna, Thomas

No recommendation (5): Neuman, Kott, Salmon, LeDoux, Olson

The following fiscal note(s) apply:

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

HB 334 was referred to the Finance Committee.

HB 357

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 357

"An Act updating the terminology in statutes for persons with disabilities; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 357(HES)

(same title)

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

Do pass (4): Cissna, Gardner, Seaton, Wilson

No recommendation (1): Kohring

The following fiscal note(s) apply to CSHB 357(HES):

1. Zero, Dept. of Health & Social Services
2. Zero, Dept. of Labor & Workforce Development

HB 357 was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES

HJR 14

The House Special Committee on Education has considered:

HOUSE JOINT RESOLUTION NO. 14

Urging the United States Congress to pass legislation to convey land to the University of Alaska.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 14(EDU)
(same title)

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

Do pass (3): Lynn, Wilson, Neuman

No recommendation (4): Salmon, Gatto, Gara, Thomas

The following fiscal note(s) apply to CSHJR 14(EDU):

1. Zero, House Special Committee on Education

HJR 14 was referred to the Resources Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Woodworker - John Carlson and His Employees
By Representative Thomas; Senator Kookesh

Honoring - Arlene Sandberg, 2006 Alaska Teacher of the Year
By Representatives Gruenberg, Kott; Senators Guess, Dyson

Honoring - Kevin McGowan, Eagle Scout
By Representative Coghill

Honoring - Tom and Nancy Sweeney on Their 50th Golden Wedding
Anniversary
By Senator Gary Stevens; Representative LeDoux

In Memoriam - William H. (Bill) Ahseln
By Representative Coghill

In Memoriam - Lance Corporal Grant B. Fraser
By Representative Lynn; Senator Bunde

In Memoriam - Jan Fredericks
By Representative Samuels

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 29

HOUSE CONCURRENT RESOLUTION NO. 29 by Representatives
Hawker, Harris, Berkowitz, Gara, and Kerttula:

Requesting the commissioner of natural resources to complete a
management plan for the area encompassing the Pebble copper
deposit and requesting a report to the legislature.

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

HJR 29

HOUSE JOINT RESOLUTION NO. 29 by Representatives Croft and
Guttenberg:

Urging the United States Department of Justice and the Alaska Department of Law to identify all natural resource damages from the Exxon Valdez oil spill that were unanticipated at the time of the 1991 settlement, to develop plans to remedy the damages, and to present the ExxonMobil Corporation with a request for the full \$100,000,000 that is available through the "Reopener for Unknown Injury" clause of the 1991 civil settlement to carry out these plans.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 413

HOUSE BILL NO. 413 by Representative Joule, entitled:

"An Act relating to the burning capability of cigarettes being sold, offered for sale, or possessed for sale; and providing for an effective date."

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

HB 414

HOUSE BILL NO. 414 by Representative Kott, entitled:

"An Act relating to allowing a parent or guardian of a minor to intercept the private communications of the minor and to consent to an order authorizing law enforcement to intercept the private communications of the minor."

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

HB 415

HOUSE BILL NO. 415 by Representative Seaton, entitled:

"An Act relating to landowners' immunity for allowing use of land for a recreational activity; and providing for an effective date."

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

HB 416

HOUSE BILL NO. 416 by Representatives Ramras, Stoltze, and McGuire, entitled:

"An Act relating to the amount of the state business license fee."

was read the first time and referred to the House Special Committee on Economic Development, Trade, & Tourism and the Labor & Commerce and Finance Committees.

HB 417

HOUSE BILL NO. 417 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the designation of traffic safety corridors; relating to the bail or fine for an offense committed in a traffic safety corridor and to separately accounting for such fines; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety
2. Fiscal, Dept. of Transportation & Public Facilities

The Governor's transmittal letter dated January 31, 2006, follows:

"Dear Speaker Harris:

Under the authority of art. III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the designation of traffic safety

corridors; and relating to the bail or fine for an offense committed in a traffic safety corridor and to separately accounting for such fines.

This bill would authorize the Department of Transportation and Public Facilities to designate a portion of a highway to be a traffic safety corridor by posting signs at the beginning and end of the corridor. The designation would be made to promote traffic safety in that area.

The Alaska Supreme Court and each municipality would be required to provide that the scheduled amount of a fine or bail for a motor vehicle or traffic offense in a traffic safety corridor would be double the amount of the fine or bail if the offense had not been committed in a traffic safety corridor.

The provisions of AS 28.05.151(d) and AS 28.40.070 currently provide for double fines or bail for motor vehicle or traffic offenses in areas designated as highway work zones. These provisions would be amended by adding references to traffic safety corridors.

The bill also would provide for separate accounting for fines collected for traffic safety corridor offenses, and for appropriation of 50 percent of those collected fines to the Department of Transportation and Public Facilities, highway safety planning agency, for highway safety programs.

The bill would have an immediate effective date so that traffic safety corridors could be designated as soon as possible.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor"

HB 418

HOUSE BILL NO. 418 by Representative Seaton, entitled:

"An Act relating to a mining production tax; relating to the mining license tax; relating to production royalties on minerals; relating to exploration incentive credits; and providing for an effective date."

was read the first time and referred to the House Special Committee on Ways & Means and the Resources and Finance Committees.

HB 419

HOUSE BILL NO. 419 by Representative Coghill, entitled:

"An Act repealing the Board of Storage Tank Assistance, the underground storage tank revolving loan fund, and the tank cleanup loan program; repealing certain reporting requirements relating to underground petroleum storage tank systems; making conforming amendments; and providing for an effective date."

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

HB 420

HOUSE BILL NO. 420 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to riparian protection standards for forest resources and practices; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

The Governor's transmittal letter dated January 31, 2006, follows:

"Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to riparian protection standards for forest resources and practices.

The bill would complete the task of setting statewide riparian protection standards that began with the 1990 changes to the Forest Resources and Practices Act (AS 41.17). Standards for Region I, the coastal forest, and Region III, the Interior, have already been established. Now, the work has been finished to set standards for Region II, Southcentral.

Section 1 of the bill sets out legislative findings supporting the standards. Such findings are helpful to managers and the regulated community in understanding the underlying purposes and intent for the statutory language. These findings recognize the unique nature of Southcentral Alaska forests and forest uses.

Section 2 of the bill would set the new standards for private land in Southcentral Alaska. For large, nonglacial, and for most glacial, anadromous fish-bearing water bodies, timber harvest may not occur within 150 feet of the water body and wider protections are set for outer bends subject to erosion. Other types of water bodies receive either 100-foot or 50-foot no-harvest buffers, depending on stream characteristics.

Section 3 of the bill would set the new standards for state land in Southcentral Alaska. The no-harvest buffers would be the same as those set for private land. This section also would clarify that adjacent estuarine areas are subject to the same protections as are the fresh water bodies. Also, this section would establish that for all four types of fish-bearing water bodies in the region, harvest may occur from the landward boundary of the no-harvest buffer to 300 feet from the water body only insofar as it is consistent with the maintenance or enhancement of wildlife habitat.

Section 4 of the bill would set new standards for other public land in Southcentral Alaska. These standards are the same as those applicable to state land, except that there is no requirement that harvest from the boundary out to 300 feet be consistent with maintenance or enhancement of wildlife habitat.

In section 5 of the bill, the term "riparian area" would be amended to reflect the new standards for Region II. Section 6 of the bill would add new definitions necessary to understand the standards. Thus, the four new stream categories (Types II-A, II-B, II-C, and II-D) are

explained. Finally, the terms "outer bend subject to erosion," "point bar," "terrace," and "terrace top break" all would be defined.

Section 7 of the bill would set the effective date as July 1, 2006.

The bill would complete the fish habitat riparian protection standards that are one of the primary purposes underlying the Forest Resources and Practices Act. I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski
Governor"

CONSIDERATION OF THE DAILY CALENDAR

SENATE BILLS IN THIRD READING

SB 164

The following, which had been read the third time and returned to the Rules Committee (page 1918), was again before the House in third reading:

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."

Representative Coghill moved and asked unanimous consent that CSSB 164(FIN) be returned to second reading for the specific purpose of considering the House Rules Committee substitute. There being no objection, it was so ordered.

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

HOUSE CS FOR CS FOR SENATE BILL NO. 164(RLS)
(same title)

There being no objection, it was so ordered.

HCS CSSB 164(RLS) was automatically in third reading.

Representative Seaton moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Seaton was required to vote.

The question being: "Shall HCS CSSB 164(RLS) pass the House?"
The roll was taken with the following result:

HCS CSSB 164(RLS)

Third Reading

Final Passage

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

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

Excused: Chenault

Absent: Joule

And so, HCS CSSB 164(RLS) passed the House.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

HCS CSSB 164(RLS) was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

Representative Lynn moved and asked unanimous consent that all members of the House be shown as cosponsors of the citation, In Memoriam - Lance Corporal Grant B. Fraser (page 2396). There being no objection, it was so ordered.

CONCUR IN SENATE AMENDMENTS**HB 149**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 2359) on the following:

CS FOR HOUSE BILL NO. 149(FIN) am

"An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 149(FIN) am S
(ct rule fld S)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSHB 149(FIN) am, thus adopting SCS CSHB 149(FIN) am S(ct rule fld S).

The question being: "Shall the House concur in the Senate amendment to CSHB 149(FIN) am?" The roll was taken with the following result:

SCS CSHB 149(FIN) am S(ct rule fld S)

Concur

YEAS: 15 NAYS: 23 EXCUSED: 1 ABSENT: 1

Yeas: Anderson, Coghill, Elkins, Foster, Harris, Hawker, Kelly, Lynn, McGuire, Meyer, Moses, Ramras, Rokeberg, Samuels, Weyhrauch

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Holm, Kapsner, Kerttula, Kohring, Kott, LeDoux, Neuman, Olson, Salmon, Seaton, Stoltze, Thomas, Wilson

Excused: Chenault

Absent: Joule

And so, the House failed to concur in the Senate amendment, thus failing to adopt SCS CSHB 149(FIN) am S(ct rule fld S).

The Chief Clerk notified the Senate and respectfully requested it to recede.

In the event the Senate fails to recede from its amendment, 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 Coghill, Chair
Representative Stoltze
Representative Crawford

UNFINISHED BUSINESS

Representative Coghill moved and asked unanimous consent that the following members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Stoltze - from noon, February 1 to 10:00 a.m., plane time, February 6, 2006

Representative Moses - from 7:00 a.m., February 2 to 10:00 p.m., plane time, February 6, 2006

Representative Elkins - from 7:00 a.m., February 2 to 10:00 p.m., plane time, February 5, 2006

Representative Thomas - from 7:00 a.m., February 2 to 10:00 p.m., plane time, February 5, 2006

Representative Ramras - from 7:00 p.m., February 2 to 10:00 a.m., plane time, February 6, 2006

Representative Rokeberg - from 7:00 p.m., February 2 to 10:00 a.m., plane time, February 6, 2006

Representative Neuman - from 7:00 p.m., February 2 to 10:00 a.m., plane time, February 6, 2006

Representative Guttenberg - from 7:00 a.m., February 3 to 1:00 p.m., plane time, February 5, 2006

Representative Kohring - from 7:00 a.m., February 3 to 10:00 p.m., plane time, February 10, 2006

HB 149

Representative Gara removed his name as cosponsor to:

SENATE CS FOR CS FOR HOUSE BILL NO. 149(FIN) am S(ct rule fld S)

"An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date."

HB 314

Representative Dahlstrom added her name as cosponsor to:

HOUSE BILL NO. 314

"An Act relating to defense of self, other persons, and property."

HB 335

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 335

"An Act creating the Alaska energy research and development program in the Alaska Energy Authority and providing for a

Committee on Alaska Energy Research and Development to assist in the development of that program; and providing for an effective date."

HB 353

Representative LeDoux added her name as cosponsor to:

HOUSE BILL NO. 353

"An Act relating to sentences for sexual offenses."

HB 393

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 393

"An Act requiring that certain health care insurance plans provide coverage for the costs of colorectal cancer screening examinations and laboratory tests; and providing for an effective date."

HB 399

Representatives Thomas, Croft, Ramras, Moses, Holm, Meyer, and McGuire added their names as cosponsors to:

HOUSE BILL NO. 399

"An Act establishing the office of elder fraud and assistance; and relating to fraud involving older Alaskans."

HB 409

Representative Rokeberg added his name as cosponsor to:

HOUSE BILL NO. 409

"An Act relating to excluding qualified real estate licensees from workers' compensation coverage."

HB 411

Representatives Crawford and Kerttula added their names as cosponsors to:

HOUSE BILL NO. 411

"An Act relating to school district personnel and salary enhancement for teachers who obtain master's degrees; establishing a supplemental income tax on oil revenue to support school district personnel; and creating an account titled 'Resource Revenue for Teachers' in the general fund."

HB 412

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 412

"An Act relating to the waiver of undergraduate expenses for a spouse or dependent of a deceased resident peace officer or member of the armed services or fire department."

SB 164

Representatives Weyhrauch and Croft added their names as cross sponsors to:

HOUSE CS FOR CS FOR SENATE BILL NO. 164(RLS)

"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."

ENGROSSMENT**SB 164**

HCS CSSB 164(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meetings today have been changed as indicated:

Judiciary Committee

CANCELED

1:00 p.m.

Resources Committee

CANCELED

1:00 p.m.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 3, 2006. There being no objection, the House adjourned at 11:30 a.m.

Suzi Lowell
Chief Clerk