

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Monday

February 6, 2006

Twenty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:11 a.m.

Roll call showed 35 members present. Representatives Croft, Kohring, Moses, and Seaton had been excused from a call of the House today.

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, the Reverend Kathleen Wakefield of Church of the Holy Trinity. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

This prayer is taken from the Sacred Space website, which is produced by Irish Jesuits.

Lord, I so wish to prepare well for this time.
I so want to make all of me ready and attentive and available
to you.
Please help me to clarify and purify my intentions.
I have so many contradictory desires.
I get preoccupied with things that don't really matter or last.
I know that if I give you my heart,
whatever I do will follow my new heart.

In all that I am today, all that I try to do,
all my encounters, reflections -
even the frustrations and failings
and especially in this time of prayer,
in all of this may I place my life in your hands.
Lord, I am yours. Make of me what you will. Amen.

The Pledge of Allegiance was led by Representative Dahlstrom.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 26th, 27th, and 28th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

The following were received:

Dept. of Administration
Division of Risk Management
Annual Report
Fiscal Year 2006
http://www.state.ak.us/local/akpages/ADMIN/drm/pdf/FY06_Annual_report_final.pdf
(as required by AS 37.05.287)

Dept. of Commerce, Community, & Economic Development
Division of Insurance
67th Annual Report
Calendar Year 2004, Fiscal Year 2005
(as required by AS 21.06.110)

REPORTS OF STANDING COMMITTEES

The Judiciary Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Mr. James J. Fayette

as a member of the Commission on Judicial Conduct.

The report was signed by Representative McGuire, Chair; and Representatives Gara, Wilson, Kott, Gruenberg, and Anderson.

The Judiciary Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Ms. Regina C. Chennault

as a member of the Violent Crimes Compensation Board.

The report was signed by Representative McGuire, Chair; and Representatives Gara, Wilson, Kott, and Gruenberg.

HB 150

The Judiciary Committee has considered:

HOUSE BILL NO. 150

"An Act requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 150(JUD)
(same title)

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

Do pass (2): Anderson, McGuire

Do not pass (1): Wilson

No recommendation (2): Gara, Gruenberg

Amend (1): Kott

The following fiscal note(s) apply to CSHB 150(JUD):

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

HB 150 was referred to the Finance Committee.

HB 318

The Judiciary Committee has considered:

HOUSE BILL NO. 318

"An Act limiting the exercise of eminent domain."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 318(JUD)

"An Act limiting the exercise of eminent domain; and providing for an effective date."

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

Do pass (3): Wilson, Anderson, McGuire

No recommendation (1): Gruenberg

Amend (2): Gara, Kott

The following fiscal note(s) apply to CSHB 318(JUD):

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

2. Zero, Dept. of Environmental Conservation

3. Indeterminate, Dept. of Law

4. Indeterminate, Dept. of Natural Resources

5. Indeterminate, Dept. of Transportation & Public Facilities

HB 318 was referred to the Finance Committee.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HJR 30**

HOUSE JOINT RESOLUTION NO. 30 by Representatives Cissna and Gruenberg:

Relating to public health and a prevention compact.

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

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 425**

HOUSE BILL NO. 425 by Representatives Salmon and Gruenberg, entitled:

"An Act relating to offenses or juvenile delinquency acts involving the victim's race, sex, color, creed, physical or mental disability, sexual orientation, ancestry, or national origin; relating to sentencing, informal adjustment, and adjudication for those offenses and acts; relating to diversity tolerance programs; relating to a civil cause of action for certain acts involving discriminatory harassment; and providing for an effective date."

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

HB 426

HOUSE BILL NO. 426 by Representative Coghill, entitled:

"An Act relating to medical assistance eligibility and coverage for persons under 21 years of age."

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

HB 427

HOUSE BILL NO. 427 by the House Rules Committee by request, entitled:

"An Act relating to geographic cost-of-living adjustments applied to the salary of a justice of the supreme court or a judge of the superior or district court; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Fiscal, Alaska Court System

HB 428

HOUSE BILL NO. 428 by the House Rules Committee by request, entitled:

"An Act relating to the compensation of justices and judges; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Fiscal, Alaska Court System

HB 429

HOUSE BILL NO. 429 by Representative Croft, entitled:

"An Act reestablishing the Department of Community and Regional Affairs; relating to the Department of Commerce, Community, and Economic Development and to the membership of various boards and commissions; and providing for an effective date."

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

HB 430

HOUSE BILL NO. 430 by Representatives Gatto and Anderson, entitled:

"An Act making an appropriation for the construction of the Palmer Senior Citizen Center; and providing for an effective date."

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

HB 431

HOUSE BILL NO. 431 by Representative LeDoux, entitled:

"An Act relating to sales of wine by a winery licensee."

was read the first time and referred to the Labor & Commerce and Finance Committees.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 175

The following was read the second time:

HOUSE BILL NO. 175

"An Act relating to the creation of a civil legal services fund."

with the:

Journal Page

JUD RPT CS(JUD) 5DP 1NR	564
FN1: ZERO(GOV)	565
FN2: ZERO(LAW)	565
FIN RPT CS(JUD) 6DP	2318
FN3: ZERO(LAW)	2318
FN4: ZERO(GOV/VARIOUS)	2318

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. 175(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Gardner and McGuire:

Page 1, line 4:

Delete "(78)"

Insert "(81)"

Representative Gardner 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.

Representative Coghill moved and asked unanimous consent that CSHB 175(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 175(JUD) am was read the third time.

The question being: "Shall CSHB 175(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 175(JUD) am

Third Reading

Final Passage

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

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

Nays: Kelly, Rokeberg

Excused: Chenault, Croft, Kohring, Moses, Seaton

And so, CSHB 175(JUD) am passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

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

Honoring - Kenai Central High School Football Team, 2005 Small-Schools State Champions

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

Honoring - Black History Month 2006, Celebrating Community: African American Fraternal Social and Civic Organizations

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

In Memoriam - Phillip Kamkoff

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

UNFINISHED BUSINESS

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

Representative Ramras - from 7:00 p.m., February 6 to 10:00 a.m., plane time, February 8, 2006

HJR 27

Representative Thomas added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 27

Urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

HJR 29

Representatives Kerttula, Berkowitz, Thomas, and LeDoux added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 29

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.

HB 6

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 6

"An Act allowing peace officers with previous service as fish and wildlife enforcement officers in the Department of Public Safety

to claim credit for service as peace officer service; and providing for an effective date."

HB 7

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 7

"An Act relating to the calculation and payment of unemployment compensation benefits; and providing for an effective date."

HB 175

Representatives Gardner and Guttenberg added their names as cosponsors to:

CS FOR HOUSE BILL NO. 175(JUD) am

"An Act relating to the creation of a civil legal services fund."

HB 242

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 242

"An Act relating to the deposit of certain penalties collected under the unemployment insurance program; requiring an employing unit with a change in ownership, management, or control to notify the Department of Labor and Workforce Development of the ownership change; regarding the unemployment contribution rate of an employing unit; and defining 'business' for purposes of statutes setting unemployment contribution rates; establishing the crime of obtaining an unemployment rate by deception; and providing for an effective date."

HB 379

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 379

"An Act relating to controlled substances."

HB 399

Representatives Kerttula and Elkins 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 413

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 413

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

HB 416

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 416

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

HB 423

Representative Dahlstrom added her name as cosponsor to:

HOUSE BILL NO. 423

"An Act relating to the fees for business licenses; and providing for an effective date."

ENGROSSMENT

HB 175

CSHB 175(JUD) am 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.

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Personal Bill Deadline

9:00 a.m., 2/13

Public Office Expense Term (POET) Account
(as required by AS 15.13.116) due to APOC

midnight, 2/15

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 8, 2006. There being no objection, the House adjourned at 11:59 a.m.

Suzi Lowell
Chief Clerk