

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Monday

February 27, 2006

#### Fiftieth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:16 a.m.

Roll call showed 35 members present. Representatives Cissna, Croft, and Gara had been previously excused from a call of the House today.

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

Representative Coghill moved and asked unanimous consent that Representative McGuire be excused from a call of the House from today to noon, March 14, 2006. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Bishop Michael Warfel of the Cathedral of the Nativity. Representative LeDoux moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

As with most places in our world, Alaska is a state in which there are diverse religious beliefs and convictions. With sensitivity to these convictions, I invite you to pause for a brief time as I offer an opening prayer for this session of the House.

In the rising of this day, O Gracious God, You have fashioned before us anew the wonder of Your creation: majestic mountains capped with brightly shining snow, cascading

waters that spring in the sea, and lush green forests that cover the land; birds that fly in the heavens above, animals that teem on the earth below, and sea creatures that dwell in the ocean depths; women and men who fish the seas and who hunt and trap on the land; women and men who work in office places and oil fields, businesses, and schools; the children too - children who play on playgrounds and teach us much from their innocence. In the beauty of Your creation, You place before us an abundance of life - life that is always before us. Such life is a gift to be cared for and nurtured. I pray that these representatives will always strive to be good stewards of these precious gifts. I pray in Jesus' name. 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 47th, 48th, and 49th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

Letters dated February 23, 2006, were read stating that, in accordance with AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the boards noted:

The Speaker referred the following to the Judiciary Committee:

#### **Board of Governors of the Alaska Bar**

Mr. William A. Granger - Anchorage

Reappointed: 2/20/2006      Term Expires: 3/1/2009

The Speaker referred the following to the Labor & Commerce Committee:

#### **Board of Barbers and Hairdressers**

Mr. Cody Downs - Anchorage

Appointed: 2/20/2006      Term Expires: 3/1/2008

Ms. Charlette Lushin - Fairbanks  
Reappointed: 2/20/2006      Term Expires: 3/1/2010

Ms. Alice B. Massie - Wasilla  
Reappointed: 2/20/2006      Term Expires: 3/1/2010

**Board of Dental Examiners**

Dr. Kevin L. Gottlieb, DDS - Anchorage  
Reappointed: 2/20/2006      Term Expires: 3/1/2010

**Alaska Labor Relations Agency**

Mr. Dennis S. Niedermeyer - King Salmon  
Reappointed: 2/20/2006      Term Expires: 3/1/2009

**Board of Marine Pilots**

Mr. Les (Leslie) A. Cronk - Ketchikan  
Reappointed: 2/20/2006      Term Expires: 3/1/2010

**Board of Nursing**

Ms. JoAnne Bell-Graves - Juneau  
Reappointed: 2/20/2006      Term Expires: 3/1/2010

Ms. Catherine A. Giessel - Anchorage  
Reappointed: 2/20/2006      Term Expires: 3/1/2010

**Board of Certified Real Estate Appraisers**

Mr. William A. Larick - Anchorage  
Appointed: 1/23/2006      Reappointed: 3/1/2006  
Term Expires: 3/10/2010

**Alaska Workers' Compensation Board**

Mr. Robert S. Morigeau - Anchorage  
Appointed: 1/23/2006      Term Expires: 3/1/2008

Ms. Debra G. Norum - Fairbanks  
Appointed: 1/23/2006      Term Expires: 3/1/2008

Mr. Jeffrey P. Pruss - Fairbanks  
Appointed: 1/23/2006      Term Expires: 3/1/2008

Mr. H. Bardie Scarbrough - Anchorage  
Appointed: 1/23/2006      Term Expires: 3/1/2007

Mr. Damian J. Thomas - Fairbanks  
Appointed: 1/23/2006      Term Expires: 3/1/2008

Mr. Robert C. Weel - Anchorage  
Appointed: 1/23/2006      Reappointed: 3/1/2006  
Term Expires: 3/1/2009

The Speaker referred the following to the State Affairs Committee:

**State Commission for Human Rights**

Mr. Randy H. Eledge - Anchorage  
Reappointed: 2/20/2006      Term Expires: 3/1/2011

**Personnel Board**

Mr. Alfred L. Tamagni, Sr. - Anchorage  
Appointed: 3/1/2006      Term Expires: 3/1/2012

Resumes for the appointments are on file in the Chief Clerk's office.

**MESSAGES FROM THE SENATE**

**SB 36**

A message dated February 23, 2006, was read stating the Conference Committee considering the following did not come to agreement on:

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

and

CS FOR SENATE BILL NO. 36(JUD)  
(same title)

and respectfully requests that a Free Conference Committee be appointed.

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

Senator Gary Stevens, Chair  
Senator Bunde  
Senator Hoffman

### REPORTS OF STANDING COMMITTEES

#### **HB 150**

The Finance 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(FIN)  
(same title)

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

Do pass (2): Foster, Chenault

No recommendation (6): Hawker, Joule, Stoltze, Kerttula, Holm, Meyer

Amend (1): Weyhrauch

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

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

HB 150 was referred to the Rules Committee for placement on the calendar.

**HB 329**

The Judiciary Committee has considered:

HOUSE BILL NO. 329  
"An Act relating to bail."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 329(JUD)  
"An Act relating to bail and unlawful evasion."

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

Do pass (4): Coghill, Wilson, Gruenberg, McGuire

The following fiscal note(s) apply to CSHB 329(JUD):

1. Zero, Alaska Court System

HB 329 was referred to the Finance Committee.

**HB 441**

The Judiciary Committee has considered:

HOUSE BILL NO. 441  
"An Act relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence; relating to mitigating factors in sentencing; amending Rule 35, Alaska Rules of Criminal Procedure; and providing for an effective date."

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

Do pass (3): Anderson, Gruenberg, McGuire

No recommendation (2): Coghill, Gara

The following fiscal note(s) apply:

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

HB 441 was referred to the Finance Committee.

**HB 446**

The Judiciary Committee has considered:

HOUSE BILL NO. 446

"An Act relating to the amount of a civil penalty for an unlawful act or practice in the conduct of trade or commerce."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 446(JUD)

"An Act relating to the amount of a civil penalty for an unlawful act or practice in the conduct of trade or commerce; and eliminating mandatory continuances in these matters after issuance of an injunction."

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

Do pass (4): Coghill, Anderson, Gruenberg, McGuire

The following fiscal note(s) apply to CSHB 446(JUD):

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

HB 446 was referred to the Finance Committee.

**REPORTS OF SPECIAL COMMITTEES**

**SB 36**

The Conference Committee considering:

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

and

CS FOR SENATE BILL NO. 36(JUD)  
(same title)

took no action on the bills and requests that a Free Conference Committee be appointed.

The letter was signed by Representatives Holm, Gruenberg; and Senators Therriault (Chair), Huggins, Kookesh.

The report is under Unfinished Business.

### **INTRODUCTION OF CITATIONS**

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

Honoring - Senator Scott Ogan  
By Representative Kohring

Honoring - Palmer High School Varsity Football Team, State  
Champion Runner-up  
By Representative Kohring

In Memoriam - Gary Henry Broderick  
By Representatives Weyhrauch, Kerttula; Senator Elton

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

#### **SECOND READING OF HOUSE BILLS**

##### **HB 245**

The following was read the second time:



## HOUSE BILL NO. 245

"An Act relating to registration and license plate fees for Purple Heart recipients, prisoners of war, Congressional Medal of Honor recipients, and spouses of current prisoners of war."

with the:	Journal Page
MLV RPT CS(MLV) NT 6DP	1078
FN1: (ADM)	1078
FIN RPT CS(FIN) NT 6DP 2NR 1AM	2483
FN2: (ADM)	2484

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. 245(FIN)

"An Act relating to motor vehicle registration plates and fees for Purple Heart recipients and Congressional Medal of Honor recipients; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Lynn and Hawker:

Page 1, line 2 (title amendment):

Delete "**Congressional**"

Page 1, line 7:

Delete "**Congressional**"

Page 1, line 12:

Delete "**Congressional**"

Following "**Honor**":

Insert "**awarded by the President of the United States in the name of the United States Congress**"

Page 1, line 13:

Delete "**Congressional**"

Page 1, line 14, following "**Honor**":

Insert "**awarded by the President of the United States in the name of the United States Congress**"

Page 2, line 14:

Delete "**Congressional**"

Following "**Honor**":

Insert "**awarded by the President of the United States in the name of the United States Congress**"

Representative Lynn moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered, and the new title follows:

CS FOR HOUSE BILL NO. 245(FIN) am

"An Act relating to motor vehicle registration plates and fees for Purple Heart recipients and Medal of Honor recipients; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that CSHB 245(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 245(FIN) am was read the third time.

The question being: "Shall CSHB 245(FIN) am pass the House?" The roll was taken with the following result:

CSHB 245(FIN) am

Third Reading

Final Passage

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

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

Excused: Anderson, Cissna, Croft, Gara, McGuire

And so, CSHB 245(FIN) am passed the House.

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

CSHB 245(FIN) am was referred to the Chief Clerk for engrossment.

### SECOND READING OF SENATE BILLS

#### SB 236

The following was read the second time:

CS FOR SENATE BILL NO. 236(FIN)

"An Act relating to subsidiary corporations of the Alaska Housing Finance Corporation and to the dividend paid to the state by the Alaska Housing Finance Corporation; and providing for an effective date."

with the:

Journal Page

FIN RPT 5DP 3NR 1AM

2605

FN2: (REV)

2605

Representative Coghill moved and asked unanimous consent that CSSB 236(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 236(FIN) was read the third time.

The question being: "Shall CSSB 236(FIN) pass the House?" The roll was taken with the following result:

CSSB 236(FIN)

Third Reading

Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1**

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

Excused: Anderson, Cissna, Croft, Gara, McGuire

Absent: Weyhrauch

And so, CSSB 236(FIN) passed the House.

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

Representative Berkowitz gave notice of reconsideration of the vote on CSSB 236(FIN).

### **THIRD READING OF HOUSE BILLS**

#### **HB 382**

The following, which was advanced to third reading from the February 24, 2006, calendar (page 2629), was read the third time:

#### HOUSE BILL NO. 382

"An Act relating to recorking, sealing, or packaging of wine served with a meal and removal of recorked, sealed, or packaged wine from licensed premises."

Representatives Ramras, Elkins, Rokeberg, and Berkowitz moved and asked unanimous consent that they be allowed to abstain from voting because of a conflict of interest. Objection was heard, and the members were required to vote.

The question being: "Shall HB 382 pass the House?" The roll was taken with the following result:

HB 382

Third Reading

Final Passage

**YEAS: 34 NAYS: 1 EXCUSED: 5 ABSENT: 0**

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

Nays: Guttenberg

Excused: Anderson, Cissna, Croft, Gara, McGuire

And so, HB 382 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 - James (Jim) C. Lund, 2006 University of Alaska School of Management Business Leader of the Year

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

In Memoriam - Charles Ellis Jackson

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

**UNFINISHED BUSINESS****HB 403**

The Speaker added a Finance Committee referral for the following:

**HOUSE BILL NO. 403**

"An Act relating to registration and operation of neighborhood electric vehicles."

HB 403 is in the Transportation Committee.

**HB 312**

The Speaker waived the Judiciary Committee referral for the following at the request of Representative Coghill:

**HOUSE BILL NO. 312**

"An Act relating to pregnant women; requiring hospitals, schools, and alcohol licensees and permittees to distribute information about fetal alcohol effects and fetal alcohol syndrome; relating to the consumption of alcoholic beverages by and the sale or service of alcoholic beverages to a pregnant woman; requiring involuntary commitment of a pregnant woman who has consumed alcohol; creating a fund for the prevention and treatment of fetal alcohol syndrome and fetal alcohol effects; relating to fines and to the taking of permanent fund dividends for selling or serving alcoholic beverages to pregnant women; and increasing taxes on sales of alcoholic beverages to fund treatment and education related to fetal alcohol syndrome and fetal alcohol effects."

HB 312 was removed from the Judiciary Committee and referred to the Finance Committee.

**CONCUR IN SENATE AMENDMENTS****HB 217**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 2620) on the following:

**HOUSE BILL NO. 217(title am)**

"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

SENATE CS FOR HOUSE BILL NO. 217(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to HB 217(title am), thus adopting SCS HB 217(FIN), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to HB 217(title am)?" The roll was taken with the following result:

SCS HB 217(FIN)  
Concur

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

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

Excused: Anderson, Cissna, Croft, Gara, McGuire

Absent: Kapsner, Kelly

And so, the House concurred in the Senate amendment, thus adopting SCS HB 217(FIN).

The Chief Clerk notified the Senate.

SCS HB 217(FIN) was referred to the Chief Clerk for enrollment.

**UNFINISHED BUSINESS****SB 36**

The Speaker appointed the following members to a Free Conference Committee as requested (page 2645):

Representative Rokeberg  
Representative Olson  
Representative Gardner

to consider:

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

and

CS FOR SENATE BILL NO. 36(JUD)  
(same title)

The Conference Committee was automatically discharged when the Free Conference Committee was appointed.

The Chief Clerk notified the Senate.

The Senate members of the Free Conference Committee are Senator Gary Stevens, Chair; and Senators Bunde, Hoffman (page 2642).

**HB 399**

The State Affairs Committee submitted the following forthcoming fiscal note to accompany their report (page 2459):

1. Zero, Dept. of Health & Social Services

for

HOUSE BILL NO. 399  
"An Act establishing the office of elder fraud and assistance; and relating to fraud involving older Alaskans."



HB 399 is in the Finance Committee.

**HJR 14**

Representative Seaton added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 14

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

**HJR 27**

Representative Guttenberg 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.

**HB 9**

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 9

"An Act establishing the Hydrogen Energy Partnership in the Department of Commerce, Community, and Economic Development; requiring the commissioner of commerce, community, and economic development to seek public and private funding for the partnership; providing for the contingent repeal of an effective date; and providing for an effective date."

**HB 206**

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 206

"An Act relating to online enticement of minors."

**HB 207**

Representative Kerttula added her name as cosponsor to:

## HOUSE BILL NO. 207

"An Act relating to dissemination of indecent material to minors."

**HB 233**

Representative Kerttula added her name as cosponsor to:

## HOUSE BILL NO. 233

"An Act relating to preventing harassment, intimidation, or bullying in public schools; and providing for an effective date."

**HB 324**

Representative Foster added his name as cosponsor to:

## HOUSE BILL NO. 324

"An Act banning the importation, transfer, and cultivation of orange hawkweed and purple loosestrife."

**HB 332**

Representative Kerttula added her name as cosponsor to:

## SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 332

"An Act supporting parental involvement in schools through employment of parental involvement coordinators; establishing a supplemental income tax on oil revenue to support parental involvement in schools; and creating an account titled 'Resource Revenue for Kids' in the general fund."

**HB 391**

Representative Neuman added his name as cosponsor to:

## HOUSE BILL NO. 391

"An Act relating to a limit on the amount by which the assessed value of property may be increased for purposes of municipal property taxation."

**HB 396**

Representative Kerttula added her name as cosponsor to:

**HOUSE BILL NO. 396**

"An Act establishing the Alaska Commission on Health Care; and providing for an effective date."

**SB 224**

Representative Samuels added his name as cross sponsor to:

**SENATE BILL NO. 224**

"An Act establishing Older Alaskans' Day."

**ENGROSSMENT****HB 245**

CSHB 245(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 382**

HB 382 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:

Resources Committee

CHANGED TO:

12:45 p.m.

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 1, 2006. There being no objection, the House adjourned at 12:18 p.m.

Suzi Lowell  
Chief Clerk