

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Monday

March 20, 2006

Seventy-first Day

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

Roll call showed 35 members present. Representative Ramras had been previously excused from a call of the House today. Representatives Gara and Weyhrauch were absent and their presence was noted later.

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

The invocation was offered by the Chaplain, Andrea Doll of Juneau Unitarian Universalist Fellowship. Representative LeDoux moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

In the deepest respect for religious beliefs of each person here,
I invite you into a time of prayer and reflection. Let us pray.

Creator of All Things,

Prepare our hearts for this day. Let us be still, so we can hear
Your guidance. Let us be grateful, so that we can love each
other. Let us trust that we walk in Your presence today. And
prepare for us a grander view.

In humility we thank You. Amen.

The Pledge of Allegiance was led by Representative Guttenberg.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 68th, 69th, and 70th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Croft introduced Shannon Croft, Guest Page, from Anchorage.

REPORTS OF STANDING COMMITTEES

HB 51

The Labor & Commerce Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 51

"An Act relating to modifying the qualifications required for workers' compensation self-insurance and permitting employers in the same trade or industry to form an employer association for self-insured workers' compensation coverage; and providing for an effective date."

and recommends it be replaced with:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 51(L&C)

"An Act relating to associations of self-insured employers for purposes of providing workers' compensation coverage and allowing employers who are members of the same trade to form associations for providing self-insurance for workers' compensation coverage; and providing for an effective date."

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

Do pass (1): Lynn

No recommendation (3): Crawford, Rokeberg, Kott

The following fiscal note(s) apply to CSSSHB 51(L&C):

1. Indeterminate, Dept. of Commerce, Community, & Economic Development
2. Fiscal, Dept. of Labor & Workforce Development

SSHB 51 was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES

HB 482

The House Special Committee on Education has considered:

HOUSE BILL NO. 482

"An Act relating to harassment, intimidation, and bullying in schools."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 482(EDU)
(same title)

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

Do not pass (1): Lynn

No recommendation (3): Gara, Thomas, Neuman

Amend (1): Gatto

The following fiscal note(s) apply to CSHB 482(EDU):

1. Zero, Dept. of Law
2. Fiscal, Dept. of Education & Early Development

HB 482 was referred to the Health, Education & Social Services Committee.

**The presence of Representative Weyhrauch was noted.

RECONSIDERATION

HB 300

The Speaker stated that, without objection, reconsideration of the following, which had been held to today (page 2767), be held to March 22, 2006:

CS FOR HOUSE BILL NO. 300(O&G)(fld H)

"An Act relating to the qualifications of the member of the Alaska Oil and Gas Conservation Commission who need not be certified, trained, or experienced in either the field of petroleum engineering or the field of petroleum geology."

INTRODUCTION OF CITATIONS

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

In Memoriam - Carl F. Brady, Sr.

By Senator Ben Stevens

**The presence of Representative Gara was noted.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 12

The following was read the second time:

HOUSE BILL NO. 12

"An Act relating to televisions and monitors in motor vehicles."

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with the:

Journal Page

STA RPT CS(STA) NT 6DP	659
FN1: ZERO(ADM)	659
FN2: ZERO(LAW)	659
FN3: ZERO(DPS)	659
FN4: ZERO(DPS)	659
JUD RPT CS(JUD) NT 5DP 2NR	978
FN1: ZERO(ADM)	979
FN2: ZERO(LAW)	979
FN3: ZERO(DPS)	979
FN4: ZERO(DPS)	979
FIN RPT CS(FIN) NT 1DP 2DNP 6NR 1AM	2683
FN5: ZERO(ADM)	2684
FN6: ZERO(LAW)	2684
FN7: ZERO(DPS)	2684
FN8: ZERO(DPS)	2684

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. 12(FIN)

"An Act relating to driver's licenses and to televisions, monitors, portable computers, and similar devices in motor vehicles; and providing for an effective date."

Representative Gruenberg objected.

The question being: "Shall CSHB 12(FIN) be adopted in lieu of the original bill?" The roll was taken with the following result:

HB 12

Second Reading

Adopt Finance CS

YEAS: 16 NAYS: 20 EXCUSED: 3 ABSENT: 1

Yeas: Chenault, Coghill, Elkins, Foster, Gatto, Harris, Hawker, Holm, Lynn, Meyer, Neuman, Olson, Rokeberg, Samuels, Stoltze, Weyhrauch

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Kohring, Kott, LeDoux, Moses, Salmon, Seaton, Thomas, Wilson

Excused: Anderson, McGuire, Ramras

Absent: Kelly

And so, CSHB 12(FIN) was not adopted.

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. 12(JUD)

"An Act relating to televisions, monitors, portable computers, and similar devices in motor vehicles; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gatto:

Page 2, line 1, following "while the":

Delete "driver is driving the motor vehicle"

Insert "vehicle is in motion"

Representative Gatto 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.

Amendment No. 2 was not offered.

Representative Coghill moved and asked unanimous consent that CSHB 12(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 12(JUD) am was read the third time.

Representative Gruenberg moved and asked unanimous consent that CSHB 12(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 3. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Gruenberg:

Page 3, line 1:

Delete "2005"

Insert "2006"

Representative Gruenberg moved and asked unanimous consent that Amendment No. 3 be adopted. There being no objection, it was so ordered.

The question being: "Shall CSHB 12(JUD) am pass the House?" The roll was taken with the following result:

CSHB 12(JUD) am

Third Reading

Final Passage

YEAS: 31 NAYS: 5 EXCUSED: 3 ABSENT: 1

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Joule, Kapsner, Kerttula, Kohring, Kott, LeDoux, Lynn, Meyer, Moses, Olson, Rokeberg, Salmon, Samuels, Seaton, Thomas, Weyhrauch

Nays: Hawker, Holm, Neuman, Stoltze, Wilson

Excused: Anderson, McGuire, Ramras

Absent: Kelly

And so, CSHB 12(JUD) 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.

Representative Stoltze gave notice of reconsideration of the vote on CSHB 12(JUD) am.

HB 380

The following was read the second time:

HOUSE BILL NO. 380

"An Act relating to the powers and duties of the commissioner of environmental conservation; relating to animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; and providing for an effective date."

with the:

Journal Page

RES RPT CS(RES) NT 7DP	2457
FN1: ZERO(DEC)	2458
FIN RPT CS(FIN) NT 2DP 7NR	2665
FN1: ZERO(DEC)	2666

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. 380(FIN)

"An Act relating to the powers and duties of the commissioner of environmental conservation; relating to animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; relating to animal rabies prevention and control; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 (title amendment) was offered by Representative Berkowitz:

Page 1, line 2:

Delete "; **relating to**"

Insert "**regarding**"

Representative Berkowitz 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:

CS FOR HOUSE BILL NO. 380(FIN)(title am)

"An Act relating to the powers and duties of the commissioner of environmental conservation regarding animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; relating to animal rabies prevention and control; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that CSHB 380(FIN)(title am) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 380(FIN)(title am) was read the third time.

The question being: "Shall CSHB 380(FIN)(title am) pass the House?" The roll was taken with the following result:

CSHB 380(FIN)(title am)

Third Reading

Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 3 ABSENT: 2

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

Excused: Anderson, McGuire, Ramras

Absent: Chenault, Kelly

And so, CSHB 380(FIN)(title 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 380(FIN)(title am) was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 343

The following, which was advanced to third reading from the March 17, 2006, calendar (page 2798), was read the third time:

CS FOR HOUSE BILL NO. 343(JUD)(title am)

"An Act creating the crimes of harassment in the first and second degree, amending the crime of stalking, and adding a definition of medical professional to the assault and harassment statutes."

Representative Berkowitz moved and asked unanimous consent that CSHB 343(JUD)(title am) be returned to second reading for the specific purpose of considering Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representatives Berkowitz and Lynn:

Page 2, line 14:

Delete "bodily fluids or feces"

Insert "blood, mucus, saliva, semen, urine, vomitus, or feces"

Representative Berkowitz moved and asked unanimous consent that Amendment No. 2 be adopted.

There was objection.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 343(JUD)(title am)
Second Reading
Amendment No. 2

YEAS: 33 NAYS: 2 EXCUSED: 3 ABSENT: 2

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

Nays: Stoltze, Weyhrauch

Excused: Anderson, McGuire, Ramras

Absent: Kapsner, Kelly

And so, Amendment No. 2 was adopted.

The question being: "Shall CSHB 343(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 343(JUD) am
Third Reading
Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 3 ABSENT: 2

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

Excused: Anderson, McGuire, Ramras

Absent: Kapsner, Kelly

And so, CSHB 343(JUD) am passed the House and was referred to the Chief Clerk for engrossment.

HB 408

The following, which was advanced to third reading from the March 17, 2006, calendar (page 2801), was read the third time:

CS FOR HOUSE BILL NO. 408(FIN) am

"An Act relating to the standard of proof required to terminate parental rights in child-in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that CSHB 408(FIN) am be returned to second reading for the specific purpose of considering Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representatives Gruenberg and Coghill:

Page 5, line 4:

Delete "family"

Insert "care of a person for which there has been a report of harm"

Page 5, line 28, following "ordered":

Insert "to do so"

Page 5, line 29 through Page 6, line 2:

Delete all material.

Representative Coghill moved and asked unanimous consent that Amendment No. 2 be adopted. There being no objection, it was so ordered.

Representative Cissna moved and asked unanimous consent that CSHB 408(FIN) am be returned to second reading for the specific purpose of considering Amendment No. 3. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Cissna:

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

Insert **"relating to intensive family preservation and reunification services;"**

Page 1, following line 7:

Insert new bill sections to read:

**** Section 1.** AS 47.10.080(*l*) is amended to read:

(*l*) Within 12 months after the date a child enters foster care as calculated under AS 47.10.088(f), the court shall hold a permanency hearing. The hearing and permanent plan developed in the hearing are governed by the following provisions:

(1) the persons entitled to be heard under AS 47.10.070 or under (f) of this section are also entitled to be heard at the hearing held under this subsection;

(2) when establishing the permanent plan for the child, the court shall make appropriate written findings, including findings related to whether

(A) and when the child should be returned to the parent or guardian;

(B) the child should be placed for adoption or legal guardianship and whether a petition for termination of parental rights should be filed by the department; and

(C) the child should be placed in another planned, permanent living arrangement and what steps are necessary to achieve the new arrangement;

(3) if the court is unable to make a finding required under (2) of this subsection, the court shall hold another hearing within a reasonable period of time;

(4) in addition to the findings required by (2) of this subsection, the court shall also make appropriate written findings related to

(A) whether the department has made the reasonable efforts required under AS 47.10.086 to offer appropriate family support services, available intensive family preservation services, or intensive family reunification services to remedy the parent's or guardian's conduct or conditions in the home that made the child a child in need of aid under this chapter;

(B) whether the parent or guardian has made substantial progress to remedy the parent's or guardian's conduct or conditions in the home that made the child a child in need of aid under this chapter;

(C) if the permanent plan is for the child to remain in out-of-home care [OUT-OF-HOME-CARE], whether the child's out-of-home placement continues to be appropriate and in the best interests of the child; and

(D) whether the department has made reasonable efforts to finalize the permanent plan for the child;

(5) the court shall hold a hearing to review the permanent plan at least annually until successful implementation of the plan; if the plan approved by the court changes after the hearing, the department shall promptly apply to the court for another permanency hearing, and the court shall conduct the hearing within 30 days after application by the department.

* **Sec. 2.** AS 47.10.086(a) is amended to read:

(a) Except as provided in (b) and (c) of this section, the department shall make timely, reasonable efforts to provide family support services to the child and to the parents or guardian of the child that are designed to prevent out-of-home placement of the child or to enable the safe return of the child to the family home, when appropriate, if the child is in an out-of-home placement. Within appropriations available for the purpose, the department shall also make reasonable efforts to refer a child for intensive family preservation services, or intensive family reunification services, or both, when those services are available and, if the child is in the home, the child's safety in the home can be maintained during the time the services are provided. The department's duty to make reasonable efforts under

this subsection **to provide family support services** includes the duty to

(1) identify family support services that will assist the parent or guardian in remedying the conduct or conditions in the home that made the child a child in need of aid;

(2) actively offer the parent or guardian, and refer the parent or guardian to, the **family support** services identified under (1) of this subsection; the department shall refer the parent or guardian to community-based family support services whenever community-based services are available and desired by the parent or guardian; and

(3) document the department's actions that are taken under [(1) AND (2) OF] this subsection, **including whether intensive family preservation services or intensive family reunification services, or both, were appropriate, offered, used, or available.**"

Page 1, line 8:

Delete "**Section 1**"

Insert "**Sec. 3**"

Renumber the following bill sections accordingly.

Page 6, line 20:

Delete "Sections 1 - 3"

Insert "Sections 3 - 5"

Page 6, line 27:

Delete "SECS. 1 - 3"

Insert "SECS. 3 - 5"

Delete "Sections 1 - 3"

Insert "Sections 3 - 5"

Page 7, line 2:

Delete "Sections 1 - 3"

Insert "Sections 3 - 5"

Delete "sec. 9"

Insert "sec. 11"

Representative Cissna moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Coghill objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSHB 408(FIN) am
Second Reading
Amendment No. 3

YEAS: 13 NAYS: 23 EXCUSED: 3 ABSENT: 1

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Moses, Salmon

Nays: Chenault, Coghill, Dahlstrom, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kohring, Kott, LeDoux, Lynn, Meyer, Neuman, Olson, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Anderson, McGuire, Ramras

Absent: Kelly

And so, Amendment No. 3 was not adopted.

The question being: "Shall CSHB 408(FIN) am pass the House?" The roll was taken with the following result:

CSHB 408(FIN) am
Third Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

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

Excused: Anderson, McGuire, Ramras

Absent: Kelly

And so, CSHB 408(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 court rule change. There being no objection, it was so ordered.

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

LEGISLATIVE CITATIONS

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

In Memoriam - Harry William Brouillette

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

UNFINISHED BUSINESS

HB 25

The Speaker added a House Special Committee on Fisheries referral to precede the Finance Committee referral for the following:

HOUSE BILL NO. 25

"An Act relating to the sharing of fisheries business tax revenue with municipalities; and providing for an effective date."

HB 25 was removed from the Finance Committee and referred to the House Special Committee on Fisheries.

HB 12

Representative Seaton added his name as cosponsor to:

CS FOR HOUSE BILL NO. 12(JUD) am

"An Act relating to driver's licenses and to televisions, monitors, portable computers, and similar devices in motor vehicles; and providing for an effective date."

HB 23

Representative Neuman added his name as cosponsor to:

HOUSE BILL NO. 23

"An Act relating to construction of a legislative hall."

HB 343

Representatives Dahlstrom and Gruenberg added their names as cosponsors to:

CS FOR HOUSE BILL NO. 343(JUD) am

"An Act creating the crimes of harassment in the first and second degree, amending the crime of stalking, and adding a definition of medical professional to the assault and harassment statutes."

HB 380

Representative Dahlstrom added her name as cosponsor to:

CS FOR HOUSE BILL NO. 380(FIN)(title am)

"An Act relating to the powers and duties of the commissioner of environmental conservation regarding animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; relating to animal rabies prevention and control; and providing for an effective date."

ENGROSSMENT**HB 343**

CSHB 343(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 380

CSHB 380(FIN)(title am) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 408

CSHB 408(FIN) 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.

The following meeting today has been changed as indicated:

Judiciary Committee
CANCELED

1:00 p.m.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 22, 2006. There being no objection, the House adjourned at 12:45 p.m.

Suzi Lowell
Chief Clerk