

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE

Juneau, Alaska

Monday

April 16, 2007

Ninety-first Day

Pursuant to adjournment the House was called to order by Speaker Harris at 3:08 p.m.

Roll call showed 34 members present. Representatives Foster and Samuels had been excused from a call of the House today. Representatives Gruenberg and Meyer were absent and their presence was noted later.

Representative Coghill, Acting Majority Leader, moved and asked unanimous consent that Representative Kerttula be excused from a call of the House from today to evening plane time, April 22. There being no objection, it was so ordered.

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

The invocation was offered by the Chaplain, Pastor Scott Williamson of Glacier Valley Baptist Church. Representative Dahlstrom moved and asked unanimous consent that the following invocations be spread on the journal. There being no objection, it was so ordered.

With respect for all of the various beliefs in Alaska, I would like to offer this prayer.

Dear Lord, giver of every good and perfect gift, I thank you for your gifts to Alaska. I thank you for these men and women who represent the people of Alaska. Thank you for

the skills, the knowledge, the experience, and the wisdom that you have given them. Thank you also for their willingness to use their gifts in the service of our state.

Guide these men and women as they do their work. Give them a sense of stewardship concerning the great resources of Alaska. Lead them to uphold the highest ethical standards as they carry out their responsibilities and may the people of Alaska come before self-interests in all their decisions. Remind us all that we will give an accounting of our lives before you.

I pray these things in the name of Jesus Christ, the One through whom all things are created. Amen.

Out of respect for those affected by the tragedy in Virginia, Representative Coghill offered a brief prayer and a moment of silence.

Father, we lift up those families and all of the friends that are involved in the tragedy - the alarming, brain-numbing, and heart-numbing tragedy. For those who have to do the investigations, we lift them up before you.

The Pledge of Allegiance was led by Representative Neuman.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 88th, 89th, and 90th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HB 108

A message dated April 13, 2007, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 108(L&C)

"An Act extending the termination date for the Board of Marine Pilots; and providing for an effective date."

CSHB 108(L&C) was referred to the Chief Clerk for enrollment.

SB 45

A message dated April 13, 2007, was read stating the Senate concurred in the House amendment to CSSB 45(JUD), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 45(JUD)
"An Act relating to murder in the first degree."

A message dated April 16, 2007, was received stating the Senate passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 61

CS FOR SENATE BILL NO. 61(FIN) am by the Senate Finance Committee, entitled:

"An Act transferring funds to the public education fund; making supplemental and other appropriations; amending appropriations; and providing for an effective date."

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

REPORTS OF STANDING COMMITTEES

HB 14

The Judiciary Committee considered:

HOUSE BILL NO. 14

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license; and requiring the surrender and cancellation of driver's licenses under certain circumstances."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 14(JUD)

"An Act relating to the purchase of alcoholic beverages and to access to licensed premises; relating to civil liability for certain persons accessing licensed premises; requiring driver's licenses and identification cards to be marked if a person is restricted from consuming alcoholic beverages as a result of a conviction or condition of probation or parole and relating to fees for the marked license or card; relating to the information contained on driver's licenses; requiring the surrender and cancellation of driver's licenses and identification cards under certain circumstances; and providing for an effective date."

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

Do pass (3): Gruenberg, Lynn, Holmes

No recommendation (2): Samuels, Ramras

The following fiscal note(s) apply to CSHB 14(JUD):

1. Zero, Dept. of Law
2. Indeterminate, Dept. of Administration

HB 14 was referred to the Finance Committee.

HB 28

The Finance Committee considered:

HOUSE BILL NO. 28

"An Act requiring retail suppliers of electricity to disclose sources of electricity to consumers."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 28(FIN)
(same title)

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

Do pass (3): Thomas, Stoltze, Meyer

No recommendation (3): Hawker, Nelson, Kelly

Amend (1): Gara

The following fiscal note(s) apply to CSHB 28(FIN):

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

HB 28 was referred to the Rules Committee for placement on the calendar.

HB 90

The Judiciary Committee considered:

HOUSE BILL NO. 90

"An Act relating to bail."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 90(JUD)

"An Act relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

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

Do pass (4): Gruenberg, Lynn, Samuels, Ramras

No recommendation (1): Holmes

The following fiscal note(s) apply to CSHB 90(JUD):

1. Zero, Dept. of Corrections
2. Zero, Dept. of Law
3. Indeterminate, Dept. of Administration
4. Indeterminate, Dept. of Administration
5. Indeterminate, Dept. of Corrections
6. Indeterminate, Dept. of Corrections

HB 90 was referred to the Rules Committee for placement on the calendar.

HB 152

The Finance Committee considered:

HOUSE BILL NO. 152

"An Act establishing a renewable energy fund and describing its uses and purposes."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 152(FIN)

"An Act establishing a renewable energy project account and a renewable energy fund and describing their uses and purposes."

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

Do pass (5): Gara, Crawford, Nelson, Thomas, Meyer

No recommendation (3): Hawker, Stoltze, Kelly

The following fiscal note(s) apply to CSHB 152(FIN):

3. Indeterminate, House Finance Committee/Dept. of Commerce, Community, & Economic Development
4. Indeterminate, House Finance Committee/Dept. of Commerce, Community, & Economic Development

HB 152 was referred to the Rules Committee for placement on the calendar.

HB 205

The Labor & Commerce Committee considered:

HOUSE BILL NO. 205

"An Act relating to real estate broker and real estate salesperson licensing; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 205(L&C)

(same title)

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

Do pass (2): Neuman, Olson

No recommendation (2): Gardner, Buch

The following fiscal note(s) apply to CSHB 205(L&C):

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

HB 205 was referred to the Finance Committee.

**The presence of Representative Gruenberg was noted.

HB 220

The Judiciary Committee considered:

HOUSE BILL NO. 220

"An Act prohibiting computer-assisted remote hunting."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 220(JUD)
(same title)

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

Do pass (5): Gruenberg, Lynn, Samuels, Holmes, Ramras

The following fiscal note(s) apply to CSHB 220(JUD):

1. Zero, Dept. of Fish & Game
3. Zero, Dept. of Public Safety

HB 220 was referred to the Finance Committee.

HB 228

The Labor & Commerce Committee considered:

HOUSE BILL NO. 228

"An Act relating to fees for certain medical treatment and service under the Alaska Workers' Compensation Act; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 228(L&C)
(same title)

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

Do pass (2): Neuman, Olson

No recommendation (5): Gardner, LeDoux, Buch, Gatto, Ramras

The following fiscal note(s) apply to CSHB 228(L&C):

1. Zero, Dept. of Administration
2. Zero, Dept. of Labor & Workforce Development

HB 228 was referred to the Finance Committee.

HB 229

The Finance Committee considered:

HOUSE BILL NO. 229

"An Act authorizing the Alaska Railroad Corporation to participate in a project consisting of the acquisition, construction, improvement, maintenance, equipping, or operation of real and personal property, including facilities and equipment, for the Kenai gasification project, authorizing the corporation to issue bonds to finance all or a portion of the project, and identifying these as bonds for an essential public and governmental purpose; and providing for an effective date."

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

Do pass (2): Thomas, Meyer

No recommendation (4): Hawker, Nelson, Crawford, Kelly

Amend (1): Stoltze

The following fiscal note(s) apply:

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

HB 229 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES**HB 183**

The House Special Committee on Oil & Gas considered:

HOUSE BILL NO. 183

"An Act relating to the regulation and permitting of drilling and other operations by the Alaska Oil and Gas Conservation Commission, to civil penalties assessed by the commission, to

reconsideration and appeal of decisions and the allocation of costs in investigations and hearings before the commission, and to information filed with and fees of the commission; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 183(O&G)
(same title)

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

Do pass (3): Ramras, Olson, Kohring

No recommendation (2): Doogan, Kawasaki

The following fiscal note(s) apply to CSHB 183(O&G):

1. Zero, Dept. of Administration

HB 183 was referred to the Resources Committee.

HB 206

The House Special Committee on Ways & Means considered:

HOUSE BILL NO. 206

"An Act relating to the accounting and payment of contributions under the defined benefit plan of the Public Employees' Retirement System of Alaska, to calculations of contributions under that defined benefit plan, and to participation in, and termination of and amendments to participation in, that defined benefit plan; making conforming amendments; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 206(W&M)
(same title)

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

No recommendation (5): Fairclough, Wilson, Cissna, Gruenberg, Hawker

Amend (2): Roses, Seaton

A House Special Committee on Ways & Means letter of intent for CSHB 206(W&M), signed by Representative Hawker, Chair, follows:

"The House Special Committee on Ways and Means moved House Bill 206 (HB 206) out of committee in order to allow the House Finance Committee to consider the cost-share provisions contained therein concurrently with other legislation regarding pension financing and payment of the unfunded accrued actuarial liability (UAAL).

HB 206 changes the defined benefit plan of the Public Employees' Retirement System of Alaska (PERS) to an employer cost-sharing program similar to the teachers' retirement system (TRS). The bill does not contain provisions to equalize allocation of the UAAL or recognize excess contributions already made in good faith by employers in order to reduce their UAAL and, consequently, their contribution rates. For some employers, passage of HB 206 could increase their required contribution rates and will provide a disincentive to remain in the PERS plan.

The proposal offered in HB 206 also does not provide long-term assurance of a fixed maximum annual contribution rate for employers.

While these issues and possible alternatives were discussed, the House Special Committee on Ways and Means decided to move the plan offered by the administration in HB 206 along with this expression of concern regarding that approach. Representative Paul Seaton presented one approach to address these concerns which has been forwarded to the House Finance Committee.

It is the recommendation of the committee that the House Finance Committee seek a solution that provides parity and assurance of contribution rates for employers."

The following fiscal note(s) apply to CSHB 206(W&M):

1. Indeterminate, Dept. of Administration

HB 206 was referred to the Finance Committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 7

HOUSE CONCURRENT RESOLUTION NO. 7 by the House State Affairs Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 59, relating to charitable gaming.

was read the first time and referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 238

HOUSE BILL NO. 238 by Representative Meyer, entitled:

"An Act relating to the response account of the oil and hazardous substance release prevention and response fund; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 166

The following was read the second time:

HOUSE BILL NO. 166

"An Act relating to contributions from permanent fund dividends to community foundations, to certain educational organizations, and to certain other charitable organizations that provide a positive youth development program, workforce development, aid to the arts, or aid and services to the elderly, low-income individuals, individuals in emergency situations, disabled individuals, or individuals with mental illness; and providing for an effective date."

with the:

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STA RPT CS(STA) NT 1DP 4NR	556
FN1: (REV)	556
FIN RPT CS(FIN) NT 8DP 2NR	721
FN2: (REV)	722

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. 166(FIN)

"An Act relating to contributions from permanent fund dividends to community foundations, to certain educational organizations, and to certain other charitable organizations; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 166(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

**The presence of Representative Meyer was noted.

CSHB 166(FIN) was read the third time.

The question being: "Shall CSHB 166(FIN) pass the House?" The roll was taken with the following result:

CSHB 166(FIN)

Third Reading

Final Passage

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

Yeas: Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Kelly, LeDoux, Lynn, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Seaton, Stoltze, Thomas, Wilson

Excused: Foster, Kerttula, Kohring, Samuels

Absent: Meyer

And so, CSHB 166(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.

CSHB 166(FIN) was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HJR 4

The Speaker stated that, without objection, the following would be returned to the Rules Committee:

HOUSE JOINT RESOLUTION NO. 4

Requesting the Federal Subsistence Board to reconsider its decision regarding the subsistence fishery priority given to Ninilchik residents.

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 - National Correctional Officers' Week, May 6 - 12, 2007

By Representatives Harris, Stoltze, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Kawasaki, Kelly, Kerttula, Kohring, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Thomas, Wilson

In Memoriam - Joseph Camille Saucier

By Senator Davis; Representatives Harris, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Kawasaki, Kerttula, Kohring, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

In Memoriam - Harold John Scott

By Senator Davis; Representatives Harris, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Kawasaki, Kerttula, Kohring, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

In Memoriam - Mamie L. Sanford

By Senator Davis; Representatives Harris, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Kawasaki, Kerttula, Kohring, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

In Memoriam - Marilyn Giles

By Senator Davis; Representatives Harris, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Kawasaki, Kerttula, Kohring, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

UNFINISHED BUSINESS**HB 90**

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 90
"An Act relating to bail."

HB 90 was removed from the Rules Committee and referred to the Finance Committee.

HJR 19

Representative Gardner added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 19
Relating to opposition to the Real ID Act of 2005.

HB 19

Representative Johnson added his name as cosponsor to:

CS FOR HOUSE BILL NO. 19(FIN)
"An Act relating to ignition interlock devices; to limited driver's license privileges; and to ignition interlock limited driver's license privileges."

HB 65

Representative Gatto added his name as cosponsor to:

HOUSE BILL NO. 65
"An Act relating to breaches of security involving personal information, credit report and credit score security freezes, consumer credit monitoring, credit accuracy, protection of social security numbers, care of records, disposal of records, identity theft, furnishing consumer credit header information, credit cards, and debit cards, and to the jurisdiction of the office of administrative hearings; amending Rule 60, Alaska Rules of Civil Procedure; and providing for an effective date."

HB 152

Representative Meyer added his name as cosponsor to:

HOUSE BILL NO. 152

"An Act establishing a renewable energy fund and describing its uses and purposes."

HB 166

Representative LeDoux added her name as cosponsor to:

CS FOR HOUSE BILL NO. 166(FIN)

"An Act relating to contributions from permanent fund dividends to community foundations, to certain educational organizations, and to certain other charitable organizations; and providing for an effective date."

HB 220

Representatives Lynn and Ramras added their names as cosponsors to:

HOUSE BILL NO. 220

"An Act prohibiting computer-assisted remote hunting."

HB 221

Representative Gardner added her name as cosponsor to:

HOUSE BILL NO. 221

"An Act establishing a high energy cost offset fund and describing its use."

HB 224

Representative Gardner added her name as cosponsor to:

HOUSE BILL NO. 224

"An Act making a special appropriation for a state match of federal funds for the Low Income Heating and Energy Assistance Program; and providing for an effective date."

HB 228

Representative Neuman added his name as cosponsor to:

HOUSE BILL NO. 228

"An Act relating to fees for certain medical treatment and service under the Alaska Workers' Compensation Act; and providing for an effective date."

HB 229

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 229

"An Act authorizing the Alaska Railroad Corporation to participate in a project consisting of the acquisition, construction, improvement, maintenance, equipping, or operation of real and personal property, including facilities and equipment, for the Kenai gasification project, authorizing the corporation to issue bonds to finance all or a portion of the project, and identifying these as bonds for an essential public and governmental purpose; and providing for an effective date."

ENGROSSMENT**HB 166**

CSHB 166(FIN) 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.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 17, 2007. There being no objection, the House adjourned at 3:51 p.m.

Suzi Lowell
Chief Clerk