

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FIFTH LEGISLATURE – SECOND SESSION

Juneau, Alaska

Wednesday

January 23, 2008

Ninth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:05 a.m.

Roll call showed 35 members present. Representatives Foster and Gruenberg had been excused from a call of the House today. Representatives Hawker and Kelly were absent and their presence was noted later.

Representative Samuels moved and asked unanimous consent that Representative Kerttula be excused from a call of the House from today to 8:00 a.m., January 24. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, the Reverend Thomas Weise of the Cathedral of the Nativity of the Blessed Virgin Mary. Representative Dahlstrom moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

From Psalm 129: Lift up your hearts to the Most High! Let the earth ring with songs of praise! Be glad, O people of the light! Let your life be impregnated by love's gifts. Discover in the great silence the mystery of who you are and be true to yourself. For wherever you dwell, there is beauty; infinite love is everywhere. Know that the beauty hidden within your soul is seen by the eyes of your heart. Let the still small voice of the Beloved guide you by day and comfort you by night; then you will be blessed and, in turn, you will be a blessing to the world.

Gracious God, you created us and placed us within families to learn how to love and be loved. We praise you for your goodness; we thank you for your gifts. Bless our state with your love. Raise up in Alaska good and holy families, loving husbands and wives, devoted parents and children. Raise up from our families and friends dedicated and generous leaders who will serve as models in our communities. Amen.

The Pledge of Allegiance was led by Representative Joule.

CERTIFICATION OF THE JOURNAL

Representative Samuels moved and asked unanimous consent that the journal for the eighth legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A letter dated January 21, 2008, with an administrative order and finance plan attached, was read stating that financial assistance from the disaster relief fund in accordance with AS 26.23.020(h) would be expended to cover emergency response costs for the Northwest Arctic Borough and Kivalina to address repairs to the seawall. The letter and attachments were copied to the Finance Committee.

REPORTS OF STANDING COMMITTEES

HB 305

The State Affairs Committee considered:

HOUSE BILL NO. 305

"An Act relating to campaign fund raising by a legislator, legislative employee, or candidate for election to the legislature during a regular or special legislative session."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 305(STA)

"An Act relating to campaign fund raising during a regular or special legislative session by a candidate for election to the

legislature, a legislator, or a legislative employee; and providing for an effective date."

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

Do pass (4): Johnson, Johansen, Roses, Lynn

No recommendation (2): Coghill, Doll

The following fiscal note(s) apply to CSHB 305(STA):

1. Zero, Dept. of Administration

HB 305 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 338

HOUSE BILL NO. 338 by Representatives Nelson and Kawasaki, entitled:

"An Act relating to the power project fund and the bulk fuel revolving loan fund; authorizing the Alaska Energy Authority to borrow money from the power project fund for the bulk fuel revolving loan fund and to repay money borrowed; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SENATE BILLS IN THIRD READING

SB 139

The following, which was read the third time and referred to the Judiciary Committee (page 1368), was again before the House:

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 139

"An Act repealing a limitation on the liability of certain airfield owners or operators."

Representative Samuels moved and asked unanimous consent that SSSB 139 be returned to second reading for the specific purpose of adopting the Judiciary House Committee Substitute (page 1728). There being no objection, it was so ordered.

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

HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 139(JUD)

"An Act modifying the criteria used to limit liability for certain airfield owners or operators."

(HCR 17 - title change resolution)

There being no objection, it was so ordered.

HCS SSSB 139(JUD) was automatically in third reading.

**The presence of Representative Kelly was noted.

The question being: "Shall HCS SSSB 139(JUD) pass the House?"
The roll was taken with the following result:

HCS SSSB 139(JUD)

Third Reading

Final Passage

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

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

Excused: Foster, Gruenberg, Kerttula

Absent: Hawker

And so, HCS SSSB 139(JUD) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HCR 17

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 17

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 139, relating to limitations on liability for certain airfield owners or operators.

The question being: "Shall HCR 17 pass the House?" The roll was taken with the following result:

HCR 17

Second Reading

Final Passage

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

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

Excused: Foster, Gruenberg, Kerttula

Absent: Hawker

And so, HCR 17 passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Samuels 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:

In Memoriam – Juliette Danguilan

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

In Memoriam – Tyler Beckham

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

RECONSIDERATION

HB 15

Representative Stoltze brought up reconsideration of the vote on CSHB 15(RES) (page 1767).

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 15(RES)

"An Act relating to participation in matters before the Board of Fisheries by members of the board and to the definition of 'immediate family member' under the Alaska Executive Branch Ethics Act as that Act applies to members of the Board of Fisheries; and providing for an effective date."

Representative Stoltze moved and asked unanimous consent that CSHB 15(RES) be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

**The presence of Representative Hawker was noted.

Amendment No. 1 was offered by Representative Stoltze:

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

Insert "**relating to the membership of the Board of Game;**"

Page 1, line 8, following "purpose of":

Insert "secs. 3 and 4"

Page 1, following line 12:

Insert a new bill section to read:

"* **Sec. 2.** AS 16.05.221(c) is amended to read:

(c) Members of the Board of Game serve staggered terms of three years. **The terms of the members of the board begin on July 1. Notwithstanding AS 39.05.080(1), by April 1 of the calendar year in which the term expires, the governor shall appoint a person to fill the vacancy that will arise on the board because of the expiration of the term of a member of the board and submit the name of the person to the legislature for confirmation. If a vacancy arises on the board, the governor shall, within 30 days after the vacancy arises, appoint a person to serve the balance of the unexpired term and submit the name of the person to the legislature for confirmation. A person appointed to fill the balance of an unexpired term shall serve on the board from the date of appointment until the earlier of the expiration of the term or the failure of the legislature to confirm the person under AS 39.05.080** [AND, EXCEPT AS PROVIDED IN AS 39.05.080(4), EACH MEMBER SERVES UNTIL A SUCCESSOR IS APPOINTED. AN APPOINTMENT TO FILL A VACANCY IN THE MEMBERSHIP OF THE BOARD OF GAME SHALL BE MADE IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT AND, EXCEPT AS PROVIDED IN AS 39.05.080(4), AN APPOINTMENT TO FILL A VACANCY IS FOR THE BALANCE OF THE UNEXPIRED TERM]."

Renumber the following bill sections accordingly.

Page 2, line 20:

Delete "sec. 2"

Insert "sec. 3"

Page 2, line 24:

Delete "sec. 7"

Insert "sec. 9"

Page 2, following line 24:

Insert a new bill section to read:

"* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. Notwithstanding AS 16.05.221(c), as amended by sec. 2 of this Act, the expiration date of the term of a person serving on the Board of Game on January 1, 2008, is March 1 of the calendar year in which the term expires."

Renumber the following bill sections accordingly.

Page 2, line 25:

Delete "Sections 1 and 2"

Insert "Sections 1 and 3"

Page 2, line 26:

Delete "Section 4"

Insert "Section 5"

Representative Stoltze moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Seaton objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 15(RES)--RECONSIDERATION

Second Reading

Amendment No. 1

YEAS: 17 NAYS: 20 EXCUSED: 3 ABSENT: 0

Yeas: Buch, Chenault, Coghill, Crawford, Dahlstrom, Fairclough, Gara, Gatto, Harris, Joule, Kelly, Lynn, Meyer, Neuman, Salmon, Stoltze, Thomas

Nays: Cissna, Doll, Doogan, Edgmon, Gardner, Guttenberg, Hawker, Holmes, Johansen, Johnson, Kawasaki, Keller, LeDoux, Nelson, Olson, Ramras, Roses, Samuels, Seaton, Wilson

Excused: Foster, Gruenberg, Kerttula

And so, Amendment No. 1 was not adopted.

The question to be reconsidered: "Shall CSHB 15(RES) pass the House?" The roll was taken with the following result:

CSHB 15(RES)--RECONSIDERATION

Third Reading

Final Passage

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

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

Nays: Neuman, Stoltze

Excused: Foster, Gruenberg, Kerttula

And so, CSHB 15(RES) passed the House on reconsideration.

Representative Samuels 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 15(RES) was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

Representative Samuels 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 Coghill – from noon, January 25 to morning plane time, January 28

Representative Gara – from 6:00 p.m., January 25 to morning plane time, January 28

Representative Johnson – from 6:00 a.m., January 24 to morning plane time, January 28

Representative LeDoux – from 11:00 a.m., January 25 to morning plane time, January 28

HB 222

Representative Ramras moved and asked unanimous consent to withdraw the following:

HOUSE BILL NO. 222

"An Act providing a credit for a municipal tax imposed on certain passengers traveling on commercial passenger vessels that provide overnight accommodations; and providing for an effective date."

There being no objection, HB 222 was withdrawn.

HB 15

Representative LeDoux added her name as cosponsor to:

CS FOR HOUSE BILL NO. 15(RES)

"An Act relating to participation in matters before the Board of Fisheries by members of the board and to the definition of 'immediate family member' under the Alaska Executive Branch Ethics Act as that Act applies to members of the Board of Fisheries; and providing for an effective date."

HB 199

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 199

"An Act relating to an optional exemption from municipal property taxes for residential property."

HB 268

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 268

"An Act relating to damaging a vehicle on public land by starting a fire or causing an explosion."

HB 284

Representatives Crawford and Holmes added their names as cosponsors to:

HOUSE BILL NO. 284

"An Act relating to participation in certain student fellowships as an allowable absence from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

HB 332

Representative Gardner added her name as cosponsor to:

HOUSE BILL NO. 332

"An Act relating to elementary and pre-elementary schools."

HB 335

Representative Kelly added his name as cosponsor to:

HOUSE BILL NO. 335

"An Act making a special appropriation for a study regarding a Susitna hydroelectric project; and providing for an effective date."

HB 336

Representative Kelly added his name as cosponsor to:

HOUSE BILL NO. 336

"An Act directing the Alaska Energy Authority to conduct a study of and to prepare a proposal for an appropriately sized Susitna River hydroelectric power project; and providing for an effective date."

ENGROSSMENT**HCR 17**

HCR 17 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 15

CSHB 15(RES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 139

HCS SSSB 139(JUD) 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 Samuels moved and asked unanimous consent that the House adjourn until 10:00 a.m., January 24, 2008. There being no objection, the House adjourned at 11:04 a.m.

Suzi Lowell
Chief Clerk