

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FIFTH LEGISLATURE – SECOND SESSION

Juneau, Alaska

Monday

February 25, 2008

Forty-second Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:04 a.m.

Roll call showed 38 members present. Representatives Foster and Ramras were excused.

Representative Samuels moved and asked unanimous consent that Representative Guttenberg be excused from a call of the House from 1:00 p.m. to 4:00 p.m., today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, the Reverend Michael Spainhoward of St. Nicholas Russian Orthodox Church. Representative LeDoux moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With the deepest respect for the religious beliefs of all Alaskans, I offer the following prayer.

From the Book of Psalms we read: O God, give your judgment to the ruler, to the ruler's child give your justice, that your people may be judged with justice and your poor in righteous judgment. In those days justice and peace shall flourish until the moon shines no more.

Most compassionate and loving God, in times past you chose out and blessed certain men and women to take on the mantle of leadership. You raised up great Moses and gave to him wisdom and courage to lead the captives into freedom. You inspired the judge and prophetess Deborah to lead the people to peace and prosperity. Throughout history we have seen your hand in the lives and accomplishments of righteous leaders, both great and small. Grant, we pray you, these gifts to those who have been raised up by their fellow citizens to positions of governance and leadership, that we all may enjoy a calm, quiet, and sober life to the advancement of peace, prosperity, and justice. Amen.

The Pledge of Allegiance was led by Representative Buch.

CERTIFICATION OF THE JOURNAL

Representative Samuels moved and asked unanimous consent that the journal for the 38th, 39th, 40th, and 41st legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Edgmon introduced Bethany Hladick, Guest Page, from Unalaska.

MESSAGES FROM THE SENATE

SB 125

A message dated February 21, 2008, was read stating the President discharged the Conference Committee considering:

HOUSE CS FOR CS FOR SENATE BILL NO. 125(FIN)

"An Act relating to the accounting and payment of contributions under the retirement plans of the Public Employees' Retirement System of Alaska and the Teachers' Retirement System, to calculations of contributions under those retirement plans, and to participation in, and termination of and amendments to

participation in, the defined benefit plans of those systems; relating to recovery of an award of damages or other recovery by those systems; relating to employer contributions to the health reimbursement arrangement plan; relating to participation in the public employees' defined contribution plan by certain elected officials; making conforming amendments; and providing for an effective date."

and

CS FOR SENATE BILL NO. 125(FIN)

"An Act relating to the accounting and payment of contributions under the retirement plans of the Public Employees' Retirement System of Alaska and the Teachers' Retirement System, to calculations of contributions under those retirement plans, and to participation in, and termination of and amendments to participation in, the defined benefit plans of those systems; relating to employer contributions to the health reimbursement arrangement plan; making conforming amendments; and providing for an effective date."

The letter further stated that the President appointed the following members to a Free Conference Committee to meet with a like committee from the House to consider the above bills:

Senator Stedman, Chair
Senator Stevens
Senator Wilken

The House members of the Free Conference Committee are Representatives Chenault (Chair), Hawker, and Crawford (page 2053).

REPORTS OF STANDING COMMITTEES

HJR 31

The Resources Committee considered:

HOUSE JOINT RESOLUTION NO. 31

Opposing the enactment of the Protect America's Wildlife Act of 2007 that intends to prohibit aerial hunting of wildlife, which is essential for predator control in Alaska.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 31(RES)
(same title)

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

Do pass (6): Roses, Wilson, Fairclough, Edgmon, Gatto, Johnson

No recommendation (1): Guttenberg

Amend (1): Kawasaki

The following fiscal note(s) apply to CSHJR 31(RES):

1. Zero, House Resources Committee

HJR 31 was referred to the Rules Committee for placement on the calendar.

HJR 34

The Judiciary Committee considered:

HOUSE JOINT RESOLUTION NO. 34

Urging the United States Congress to reauthorize the Debbie Smith DNA backlog grant program.

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

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

The following fiscal note(s) apply:

1. Zero, House Judiciary Committee

HJR 34 was referred to the Rules Committee for placement on the calendar.

HB 273

The Finance Committee again considered the following, which was on the calendar and returned to the committee (page 2032):

HOUSE BILL NO. 273

"An Act relating to school funding, the base student allocation, district cost factors, and the adjustments for intensive services and average daily membership calculations; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 273(FIN)

"An Act relating to school funding, funding for student transportation services, the base student allocation, district cost factors, and the adjustments for intensive services and average daily membership calculations; and providing for an effective date."

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

Do pass (5): Hawker, Nelson, Thomas, Meyer, Chenault

Do not pass (1): Kelly

No recommendation (2): Crawford, Stoltze

Amend (1): Gara

The following fiscal note(s) apply to CSHB 273(FIN):

1. Fiscal, Dept. of Education & Early Development
3. Fiscal, Dept. of Education & Early Development
4. Fiscal, House Finance Committee/Dept. of Education & Early Development

HB 273 is on today's calendar.

HB 344

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 344

"An Act relating to distribution of the Alaska Administrative Code and Alaska Administrative Register; and providing for an effective date."

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

Do pass (7): Neuman, Cissna, Dahlstrom, Salmon, Olson, LeDoux, Fairclough

The following fiscal note(s) apply:

1. Zero, Office of the Governor

HB 344 was referred to the Finance Committee.

SCR 17

The Health, Education & Social Services Committee considered:

SENATE CONCURRENT RESOLUTION NO. 17

Relating to establishing March 2008 as Brain Injury Awareness Month.

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

Do pass (6): Keller, Fairclough, Gardner, Seaton, Roses, Wilson

The following fiscal note(s) apply:

1. Zero, Senate Health, Education & Social Services Committee

SCR 17 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES

SB 97

The House Special Committee on Economic Development, Trade, & Tourism considered:

CS FOR SENATE BILL NO. 97(JUD)

"An Act relating to identification seals for certain articles created or crafted in the state by Alaska Native persons; relating to the Alaska State Council on the Arts; and making certain identification seal violations unfair trade practices."

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

Do pass (7): Doogan, Gatto, Doll, Lynn, Johansen, Keller, Neuman

The following fiscal note(s) apply:

2. Zero, Dept. of Education & Early Development

CSSB 97(JUD) was referred to the Health, Education & Social Services Committee.

INTRODUCTION OF CITATIONS

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

Honoring – Elizabeth "Pat" Hjellen, Wasilla Pioneer
By Representative Keller

Honoring – Perfect World
By Senator Ellis

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

HB 294

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 294 by
Representatives WILSON, LEDOUX, SEATON, Buch, Thomas, and
Edgmon, entitled:

"An Act establishing the division of marine transportation;
establishing the Alaska Marine Transportation Authority Board
and the position of director of the division of marine
transportation, and assigning the powers and duties of each;
making conforming amendments; and providing for an effective
date."

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

HB 414

HOUSE BILL NO. 414 by the House Judiciary Committee, entitled:

"An Act relating to the crime victim compensation fund."

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

HB 415

HOUSE BILL NO. 415 by the House Transportation Committee,
entitled:

"An Act relating to disclosures required for the sale of a used
motor vehicle, including a trailer, by a motor vehicle dealer."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 259

The following was read the second time:

HOUSE BILL NO. 259

"An Act establishing the first week of every March as Alaska History Week."

with the:	Journal Page
STA RPT 7DP	1956
FN1: ZERO(H.STA)	1956

The Rules Committee submitted the following updated fiscal note:

2. Zero, Dept. of Education & Early Development

Representative Samuels moved and asked unanimous consent that HB 259 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 259 was read the third time.

The question being: "Shall HB 259 pass the House?" The roll was taken with the following result:

HB 259

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0

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

Excused: Foster, Ramras

And so, HB 259 passed the House.

Representative Stoltze later gave notice of reconsideration of the vote on HB 259, and reconsideration was taken up then.

HB 273

The following, which was returned to the Finance Committee (page 2032), was read the second time:

HOUSE BILL NO. 273

"An Act relating to school funding, the base student allocation, district cost factors, and the adjustments for intensive services and average daily membership calculations; and providing for an effective date."

with the:	Journal Page
HES RPT 5DP 1NR 1AM	1788
FN1: (EED)	1789
FN2: (EED)	1789
FIN RPT CS(FIN) NT 5DP 1DNP 3NR	1902
FN1: (EED)	1903
FN2: (EED)	1903
FN3: (EED)	1903
FIN RPT CS(FIN) NT 5DP 1DNP 2NR 1AM	2073
FN1: (EED)	2074
FN3: (EED)	2074
FN4: (H.FIN/EED)	2074

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

CS FOR HOUSE BILL NO. 273(FIN)

"An Act relating to school funding, funding for student transportation services, the base student allocation, district cost factors, and the adjustments for intensive services and average daily membership calculations; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Gara, Gardner, Cissna, Kawasaki, and Guttenberg:

Page 8, line 31:

Delete "\$5,480"

Insert "\$5,680"

Page 9, lines 3 - 4:

Delete "\$5,580 [\$5,480]"

Insert "\$5,880 [\$5,680]"

Page 9, lines 6 - 7:

Delete "\$5,680 [\$5,580]"

Insert "\$6,080 [\$5,880]"

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

Representative Hawker objected.

Amendment to Amendment No. 1 was offered by Representative Gara:

Under Page 8, line 31:

Delete "\$5,680"

Insert "\$5,580"

Under Page 9, lines 3 - 4:

Delete "\$5,880"

Insert "\$5,780"

Under Page 9, lines 6 - 7:

Delete "\$6,080"

Insert "\$5,980"

Representative Gara moved and asked unanimous consent that Amendment to Amendment No. 1 be adopted. There being no objection, it was so ordered.

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

CSHB 273(FIN)

Second Reading

Amendment No. 1 as amended

YEAS: 11 NAYS: 27 EXCUSED: 2 ABSENT: 0

Yeas: Buch, Cissna, Crawford, Doll, Gara, Gardner, Gruenberg, Guttenberg, Holmes, Kawasaki, Kerttula

Nays: Chenault, Coghill, Dahlstrom, Doogan, Edgmon, Fairclough, Gatto, Harris, Hawker, Johansen, Johnson, Joule, Keller, Kelly, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Foster, Ramras

And so, Amendment No. 1 as amended was not adopted.

Representative Samuels moved and asked unanimous consent that CSHB 273(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 273(FIN) was read the third time.

Representative Samuels rose to a point of order regarding confining remarks to the bill.

The Speaker cautioned members to refrain from impugning the motives of others.

**Representative Guttenberg, who was excused (page 2069), left the Chamber.

The question being: "Shall CSHB 273(FIN) pass the House?" The roll was taken with the following result:

CSHB 273(FIN)
Third Reading
Final Passage

YEAS: 32 NAYS: 5 EXCUSED: 3 ABSENT: 0

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

Nays: Coghill, Keller, Kelly, Neuman, Stoltze

Excused: Foster, Guttenberg, Ramras

And so, CSHB 273(FIN) passed the House.

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

RECONSIDERATION

HB 259

Representative Stoltze gave notice of reconsideration of the vote on HB 259 (page 2077).

Representative Stoltze moved and asked unanimous consent that reconsideration of HB 259 be taken up on the same day. There being no objection, it was so ordered.

The following was again before the House in third reading:

HOUSE BILL NO. 259

"An Act establishing the first week of every March as Alaska History Week."

Representative Fairclough moved and asked unanimous consent that HB 259 be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Fairclough:

Page 1, line 1, following "**Week**" (title amendment):

Insert "**; and providing for an effective date**"

Page 1, following line 8:

Insert a new bill section to read:

"* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c)."

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

HOUSE BILL NO. 259(efd add)

"An Act establishing the first week of every March as Alaska History Week; and providing for an effective date."

The question to be reconsidered: "Shall HB 259(efd add) pass the House?" The roll was taken with the following result:

HB 259(efd add)--RECONSIDERATION

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Foster, Guttenberg, Ramras

And so, HB 259(efd add) 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.

HB 259(efd add) was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Samuels 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 – Patricia Harpel

By Senator Bunde; Representatives Harris, Chenault, Cissna, Coghill, Dahlstrom, Doogan, Fairclough, Foster, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, LeDoux, Meyer, Nelson, Neuman, Olson, Ramras, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

UNFINISHED BUSINESS

Representative Samuels 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 Olson – from 5:00 a.m., February 26 to afternoon plane time, March 2

SB 97

The Speaker waived the Health, Education & Social Services Committee referral for the following at the request of Representative Wilson, Chair:

CS FOR SENATE BILL NO. 97(JUD)

"An Act relating to identification seals for certain articles created or crafted in the state by Alaska Native persons; relating to the

Alaska State Council on the Arts; and making certain identification seal violations unfair trade practices."

CSSB 97(JUD) was removed from the Health, Education & Social Services Committee and referred to the Judiciary Committee.

HJR 28

Representative Doogan added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 28

Proposing an amendment to the Constitution of the State of Alaska relating to the production tax revenue fund, dedicating a portion of the petroleum production tax to the fund, and limiting appropriations from the fund.

HJR 34

Representative Lynn added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 34

Urging the United States Congress to reauthorize the Debbie Smith DNA backlog grant program.

HB 234

Representative Kawasaki added his name as cosponsor to:

HOUSE BILL NO. 234

"An Act relating to the education loan repayment program and establishing the education loan repayment fund."

HB 259

Representatives Kerttula, Roses, and Nelson added their names as cosponsors to:

HOUSE BILL NO. 259(efd add)

"An Act establishing the first week of every March as Alaska History Week; and providing for an effective date."

HB 273

Representatives Roses, Seaton, Joule, Nelson, and Meyer added their names as cosponsors to:

CS FOR HOUSE BILL NO. 273(FIN)

"An Act relating to school funding, funding for student transportation services, the base student allocation, district cost factors, and the adjustments for intensive services and average daily membership calculations; and providing for an effective date."

HB 397

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 397

"An Act creating a postsecondary scholarship grant program for Alaska residents based on high achievement and financial need."

HB 403

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 403

"An Act appropriating \$100,000,000 to the Alaska achievers' scholarship fund; and providing for an effective date."

ENGROSSMENT**HB 259**

HB 259(efd add) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 273

CSHB 273(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.

The following meetings today were changed:

Judiciary Committee
CHANGED TO:

1:30 p.m.

Resources Committee
CHANGED TO:

1:45 p.m.

ADJOURNMENT

Representative Samuels moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 27, 2008. There being no objection, the House adjourned at 1:06 p.m.

Suzi Lowell
Chief Clerk