

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE – SECOND SESSION

Juneau, Alaska

Tuesday

March 11, 2008

Fifty-seventh Day

Pursuant to adjournment the House was called to order by Speaker Harris at 1:14 p.m.

Roll call showed 34 members present. Representatives Foster, Guttenberg, Joule, Lynn, and Salmon had been excused from a call of the House today. Representative Nelson had been excused and her presence was noted later.

The invocation was offered by the Chaplain, the Reverend Tom Matthews of Douglas Island Bible Church. Representative Dahlstrom moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With respect for the various beliefs represented here, I would ask you to please join me in prayer.

Lord, thank you once again for the privilege of living in this great land – not only America but Alaska itself greatly inspires us. We thank you for a heritage we can be proud of and ask your blessings on this great country and state as we look forward to the future.

I want to pray, Lord, for this body of men and women meeting here today to discuss issues of our state. As they deliberate, I would pray that you will help each person here to truly commit themselves to a course of integrity, justice, honesty, and morality. There are many temptations that no doubt come their way. They need strength; they need resolve to remain true to their ideals.

Lord, your word tells us that if we call on you, if we seek you with all our hearts that we will be found by you. I am seeking you today, Lord, and asking you for your blessings and guidance in this body.

Thank you that I can lift this prayer before you in the name of Jesus Christ. Amen.

The Pledge of Allegiance was led by Representative Hawker.

CERTIFICATION OF THE JOURNAL

Representative Samuels moved and asked unanimous consent that the journal for the 56th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

* * * * *

Representative Hawker introduced Molly Wooliver and Kyle McVeigh, Guest Pages, from Anchorage.

MESSAGES FROM THE GOVERNOR

A letter dated March 7, 2008, was read stating the Governor withdraws the following name from legislative confirmation of appointment to the position noted, which the Speaker had referred to the Labor & Commerce Committee (page 1841):

Board of Veterinary Examiners

Dr. Cynthia A. Trout - Anchorage

Appointed: 3/23/2005 Reappointed: 1/29/2008

Term Expires: 3/1/2012

MESSAGES FROM THE SENATE

HB 176

A message dated March 10, 2008, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 176(RES)

"An Act creating the Fort Rousseau Causeway State Historical Park."

CSHB 176(RES) was referred to the Chief Clerk for enrollment.

HB 321

A message dated March 10, 2008, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 321(FSH)

"An Act relating to the salmon product development tax credit; providing for an effective date by amending an effective date in sec. 7, ch. 57, SLA 2003, as amended by sec. 4, ch. 3, SLA 2006; and providing for an effective date."

CSHB 321(FSH) was referred to the Chief Clerk for enrollment.

REPORTS OF STANDING COMMITTEES**HB 255**

The Judiciary Committee considered:

HOUSE BILL NO. 255

"An Act relating to dual sentencing of certain juvenile offenders; amending Rule 24.1, Alaska Delinquency Rules; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 255(JUD)

"An Act relating to dual sentencing of certain juvenile offenders and to detention of those offenders; amending Rule 24.1, Alaska Delinquency Rules; and providing for an effective date."

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

Do pass (1): Ramras

No recommendation (3): Coghill, Dahlstrom, Samuels

Amend (2): Gruenberg, Holmes

The following fiscal note(s) apply to CSHB 255(JUD):

1. Zero, Dept. of Health & Social Services
2. Zero, Dept. of Law
3. Indeterminate, Dept. of Administration
4. Indeterminate, Dept. of Administration
5. Indeterminate, Dept. of Corrections

HB 255 was referred to the Finance Committee.

HB 330

The Finance Committee considered:

HOUSE BILL NO. 330

"An Act relating to management of noxious weeds and invasive plants; establishing the Noxious Weed and Invasive Plant Board; and establishing the noxious weed and invasive plant management fund."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 330(RES)

"An Act relating to noxious weed, invasive plant and agricultural pest management and education; and providing for an effective date."

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

Do pass (4): Crawford, Nelson, Thomas, Meyer

No recommendation (5): Hawker, Stoltze, Gara, Kelly, Chenault

The following fiscal note(s) apply to CSHB 330(RES):

1. Zero, Dept. of Environmental Conservation
2. Zero, Dept. of Fish & Game
3. Zero, Dept. of Transportation & Public Facilities
6. Fiscal, Dept. of Natural Resources

HB 330 was referred to the Rules Committee for placement on the calendar.

HB 396

The State Affairs Committee considered:

HOUSE BILL NO. 396

"An Act relating to and increasing the amount of the 2008 permanent fund dividend; and providing for an effective date."

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

No recommendation (6): Johnson, Johansen, Gruenberg, Coghill, Doll, Roses

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue
2. Fiscal, Dept. of Health & Social Services
3. Fiscal, Dept. of Revenue

HB 396 was referred to the Finance Committee.

SB 253

The State Affairs Committee considered:

SENATE BILL NO. 253

"An Act relating to the appointment of members of the Board of Game; and providing for an effective date."

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

Do pass (3): Johnson, Doll, Roses

No recommendation (3): Johansen, Gruenberg, Coghill

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

SB 253 was referred to the Resources Committee.

INTRODUCTION OF CITATIONS

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

Honoring – Art LaRue
By Representative Gruenberg

Honoring – Patricia Wolf
By Representative Gruenberg

Honoring – Clinton James Holbrook, Boy Scouts of America Eagle Scout
By Representative Seaton

Honoring – Mark Dooley
By Senator Bunde

Honoring – Sergeant First Class Kristopher Rick
By Senator Dyson; Representative Stoltze

In Memoriam – Jan Porterfield
By Representative Gruenberg

In Memoriam – William Thomas "Bill" Ford
By Representative Gruenberg

In Memoriam – John Norsworthy
By Representative Gruenberg; Senator Davis

In Memoriam – Glen Harding Starn
By Representative Gruenberg

In Memoriam – Richard Monroe Swarner
By Representative Olson; Senator Wagoner

In Memoriam – James E. Carter, Sr.
By Representatives Olson, Chenault; Senator Wagoner

In Memoriam – Phillip 'Phil' Anthony Turkington
By Representative Olson; Senator Wagoner

In Memoriam – Phil Crouse
By Senator Dyson; Representative Stoltze

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 38

HOUSE JOINT RESOLUTION NO. 38 by the House State Affairs Committee:

Recognizing the State of Israel on the 60th anniversary of its founding.

was read the first time and referred to the State Affairs Committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 402

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 402 by Representative Gruenberg, entitled:

"An Act relating to elections; relating to the definition of 'political party'; and providing for an effective date."

was read the first time and referred to the State Affairs and Judiciary Committees.

HB 418

HOUSE BILL NO. 418 by the House Rules Committee by request of the Governor, entitled:

"An Act providing notice of and authorization for the Department of Administration to enter into a lease-purchase agreement for the

construction, the purchase of equipment, and the financing of a fish hatchery in Anchorage to be operated by the Department of Fish and Game; relating to the issuance of certificates of participation for the fish hatchery; authorizing payments for the lease-purchase agreement from sport fishing facility license surcharge fees; relating to capital lease financing of sport fishing facilities; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Fiscal, Dept. of Fish & Game
2. Fiscal, Dept. of Revenue

The Governor's transmittal letter dated March 6, 2008, follows:

"Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill providing notice of and authorization for the Department of Administration to enter into a lease-purchase agreement for the construction, the purchase of equipment, and the financing of a fish hatchery in Anchorage to be operated by the Department of Fish and Game; relating to the issuance of certificates of participation for the fish hatchery; authorizing payments for the lease-purchase agreement from sport fishing facility license surcharge fees; and relating to capital lease financing of sport fishing facilities.

The financing mechanism in this bill, along with financing from Chapter 94 SLA 2005, would provide sufficient funds to complete two essential state fish hatcheries, one in Anchorage and one in Fairbanks, as originally envisioned by the Legislature. The new hatcheries would play a vital role in ensuring the sustainability and harvestable surplus of fish in the state. They would aid Alaska in providing an important source of food for many citizens of the state and further the economic engine of a major industry in this state.

The bill sets out the Legislature's findings, intent, and purpose regarding the authorization of the construction and financing of the

fish hatchery in Anchorage, the total costs of which are anticipated to be \$100 million. At least \$21 million of that cost would be drawn from the proceeds of sport fishing facility revenue bonds already issued under the authority of AS 37.15.765. Up to \$70 million of that cost would be financed by the issuance of certificates of participation authorized by the bill. The remaining \$9 million of the cost would be financed by investment earnings on the proceeds of sport fishing facility revenue bonds.

The bill constitutes the legislative notice and approval required by AS 36.30.085 for the Department of Administration to enter into a lease-purchase agreement for the Anchorage fish hatchery. The lease-purchase agreement would be financed by the issuance of certificates of participation, to be issued by the state bond committee, in the amount of up to \$70 million. The certificates of participation would be secured by general fund monies and the sport fishing facility surcharge, subject to appropriation. The fish hatchery in Anchorage would be operated by the Department of Fish and Game.

The bill makes conforming changes to various statutes in Title 16 to reflect the use of capital lease financing to construct the Anchorage fish hatchery.

Finally, the bill provides for an immediate effective date.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Sarah Palin
Governor"

HB 419

HOUSE BILL NO. 419 by the House Finance Committee, entitled:

"An Act prohibiting certain state leases and lease-purchase agreements for equipment and other personal property; 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 SENATE BILLS****SB 72**

The following was read the second time:

CS FOR SENATE BILL NO. 72(FIN)

"An Act relating to the community revenue sharing program; and providing for an effective date."

with the:

Journal Page

CRA RPT HCS(CRA) 4DP 2NR	1276
FN4: ZERO(ADM)	1276
FN5: (CED)	1276
FIN RPT HCS(FIN) NT 6DP 1DNP 2NR	2189
TITLE CHANGE: HCR 24	2189
FN6: ZERO(ADM)	2190
FN7: ZERO(DNR)	2190
FN8: (H.FIN/CED)	2190

**The presence of Representative Nelson was noted.

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

HOUSE CS FOR CS FOR SENATE BILL NO. 72(FIN)

"An Act relating to the community revenue sharing program; repealing certain programs providing state payments to municipalities and other entities; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Meyer and Thomas:

Page 5, line 23:

Delete "as grants"

Page 6, line 17:

Delete "The"

Insert "Except as provided in (c) of this section, the"

Page 6, following line 27:

Insert a new subsection to read:

"(c) The basic revenue sharing payment amount for a succeeding municipality formed when two or more municipalities merge, consolidate, or unify after January 1, 2002, equals the sum of the amounts each of the former municipalities would receive under (b) of this section calculated as if the merger, consolidation, or unification had not occurred."

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

There was objection.

Representative Meyer moved and asked unanimous consent that the question be divided.

The Speaker ruled that the question was divisible.

There being no objection, Amendment No. 1 was divided.

Amendment No. 1, Part A:

Page 5, line 23:

Delete "as grants"

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

Amendment No. 1, Part B:

Page 6, line 17:

Delete "The"

Insert "Except as provided in (c) of this section, the"

Page 6, following line 27:

Insert a new subsection to read:

"(c) The basic revenue sharing payment amount for a succeeding municipality formed when two or more municipalities merge, consolidate, or unify after January 1, 2002, equals the sum of the amounts each of the former municipalities would receive under (b) of this section calculated as if the merger, consolidation, or unification had not occurred."

Representative Thomas moved and asked unanimous consent that Amendment No. 1, Part B be adopted.

Representative Wilson objected.

Representative Thomas moved and asked unanimous consent to withdraw Amendment No. 1, Part B. There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that HCS CSSB 72(FIN) am H be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 72(FIN) am H was read the third time.

The question being: "Shall HCS CSSB 72(FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 72(FIN) am H

Third Reading

Final Passage

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

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

Nays: Doogan, Kelly

Excused: Foster, Guttenberg, Joule, Lynn, Salmon

And so, HCS CSSB 72(FIN) am H 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.

Representative Thomas gave notice of reconsideration of the vote on HCS CSSB 72(FIN) am H.

SB 256

The following, which is on today's calendar, is in the Finance Committee:

CS FOR SENATE BILL NO. 256(FIN) am(efd fld)

"An Act making supplemental appropriations, capital appropriations, reappropriations, and other appropriations; making an appropriation to the senior benefits payment program; amending certain appropriations; ratifying certain expenditures; and making appropriations to capitalize funds."

SECOND READING OF HOUSE RESOLUTIONS**HCR 24**

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 24

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 72, relating to the community revenue sharing program.

Representative Samuels moved and asked unanimous consent that HCR 24 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

The question being: "Shall HCR 24 pass the House?" The roll was taken with the following result:

HCR 24

Second Reading

Final Passage

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

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

Excused: Foster, Guttenberg, Joule, Lynn, Salmon

And so, HCR 24 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:

Honoring – Roger Schmidt, 2007 National Coming Up Taller Award
By Representatives Wilson, Harris, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas; Senator Stedman

Honoring – Chief Petty Officer Brian Vesco, Bronze Star Recipient
By Representatives Keller, Gatto, Stoltze, Neuman, Harris, Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Kelly, Kerttula, LeDoux, Lynn, Meyer, Nelson, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Thomas, Wilson; Senator Huggins

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

Honoring – National Correctional Officers' Week, May 4-10, 2008

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

Honoring – South Anchorage High School Hockey Team, 2008 State Champions

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

Honoring – Seward High School Girls Cross Country Ski Team, Highest Scoring 2A/3A Team for 2008

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

Honoring – Seward – The Mural Capital of Alaska

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

In Memoriam – James Vernon Grizzell Jr.

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

In Memoriam – Troy Kahklen

By Senator Elton; Representatives Kerttula, Doll, Harris, Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, 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 LeDoux – from 11:30 a.m. to 1:15 p.m., March 12

HJR 28

Representative Wilson added her 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.

ENROLLMENT

HB 259

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 11:00 a.m., March 11, 2008:

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

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 1:10 p.m., March 11, 2008:

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."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover. The following meeting today was changed:

Finance Committee

CHANGED TO:

upon adjournment

ADJOURNMENT

Representative Samuels moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 12, 2008. There being no objection, the House adjourned at 2:36 p.m.

Suzi Lowell
Chief Clerk