

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

January 24, 2005

#### Fifteenth Day

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

Roll call showed 35 members present. Representatives Crawford, Rokeberg, and Samuels had been previously excused from a call of the House today.

Representative Coghill moved and asked unanimous consent that Representative-elect Moses be excused from a call of the House from today to 7:00 p.m., plane time, January 25, 2005. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that Representative Kott be excused from a call of the House from today to 9:00 a.m., plane time, January 26, 2005. There being no objection, it was so ordered.

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

As I pray for these sessions this week I want to begin by saying that as I pray each day, I will be praying while respecting the differences in beliefs of those represented here. With that in mind I would ask you to join me in prayer as we open this session today.

Lord, we come to You as a mixed group from around the state of Alaska. It is our prayer that You would bless this gathering and that You would help each person here in the various tasks that need to be accomplished. I pray that they would be good representatives of the constituents in each of their districts.

We would ask Your help in bringing an end to the war and bloodshed that is happening in Iraq and Afghanistan. Please protect and quickly bring home the sons and daughters of Alaska that are currently in harm's way.

I also lift before You the survivors of the terrible tsunami. Please help the relief agencies to aid the people in getting back on their feet again. Bring comfort to those who have lost loved ones. Only You can bring the peace that passes all understanding.

Thank You, Lord, that we can lift these requests before You. Help us always to seek Your face in the decisions that need to be made.

In the name of Jesus Christ I lift these prayers today. Amen.

The Pledge of Allegiance was led by Representative Elkins.

#### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 12th, 13th, and 14th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

#### **MESSAGES FROM THE SENATE**

A message dated January 21, 2005, was received stating the Senate has accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., February 23 to hear the State of the Judiciary address by Chief Justice Alexander O. Bryner.

A message dated January 21, 2005, was received stating the Senate has accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., February 24 to hear an address by U.S. Senator Ted Stevens.

### REPORTS OF STANDING COMMITTEES

#### **HB 47**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 47

"An Act extending the termination date of the Board of Certified Real Estate Appraisers."

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

Do pass (4): Lynn, Kott, LeDoux, Anderson

No recommendation (1): Guttenberg

The following fiscal note(s) apply:

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

HB 47 was referred to the Finance Committee.

#### **HB 64**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 64

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

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

Do pass (5): Lynn, Kott, LeDoux, Guttenberg, Anderson

The following fiscal note(s) apply:

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

HB 64 was referred to the Finance Committee.

### INTRODUCTION OF CITATIONS

The following citation was introduced and taken up later as a Special Order of Business:

In Memoriam - Tommy L. Ramsey  
By Representatives Kelly, Coghill

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

#### HB 20

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 20 by Representatives Seaton, Chenault, and Wilson, entitled:

"An Act relating to a separate appropriation bill for operating expenses for primary and secondary public education and establishing a date by which the bill must be transmitted to the governor each year; relating to notice of nonretention for tenured teachers; and providing for an effective date."

was read the first time and referred to the House Special Committee on Education and the Health, Education & Social Services and Finance Committees.

#### HB 103

HOUSE BILL NO. 103 by Representative Kelly, entitled:

"An Act requiring an actionable claim against the state to be tried without a jury."

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

**HB 104**

HOUSE BILL NO. 104 by Representatives Dahlstrom, Stoltze, Coghill, Kott, Elkins, and Harris, entitled:

"An Act relating to information, advertisements, and commercials about seat belt laws."

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

**HB 105**

HOUSE BILL NO. 105 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to coverage for adult dental services under Medicaid; and providing for an effective date."

was read the first time and referred to the Health, Education & Social Services and Finance Committees.

The following fiscal note(s) apply:

1. Fiscal, Dept. of Health & Social Services

The Governor's transmittal letter dated January 21, 2005, follows:

"Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to coverage for adult dental services for eligible recipients under the Medicaid program (AS 47.07).

The State of Alaska's Medicaid program currently provides inadequate coverage for adult dental services. The services covered under existing law are limited to procedures for relief of pain and acute infection, and don't include necessary preventative or restorative treatment. This level of service often leads to the extraction of permanent teeth. Missing and decayed teeth (especially front teeth) can affect an individual's employability and/or career advancement opportunities. Furthermore, studies have documented the links and/or

complications between dental disease and other chronic diseases including cardiovascular disease and diabetes. Recent studies have also implicated periodontal disease as a risk factor for pre-term, low birth-weight births.

Diseases of the mouth are not distinctly different from diseases in the rest of the body. The limitation for dental coverage is largely a distinction based on the type of health care provider; in that diseases of the oral cavity are largely treated by dentists. The lack of coverage to prevent more severe dental problems and/or extractions before they become "dental emergencies" often results in more expensive dental care and limits the dentist's ability to address dental problems. Dentists have reported frustration with not being able to treat teeth earlier before the person is in pain and when less costly treatment could be provided.

This bill would allow the Department of Health and Social Services to expand dental coverage to encompass preventative and restorative care for approximately 41,000 Alaskans enrolled in the Medicaid program. Specifically, this bill would repeal AS 47.07.900(1), defining adult dental services as the minimum treatment for the immediate relief of pain and acute infection provided by a licensed dentist. Under the bill, the Department of Health and Social Services would adopt regulations implementing the expanded service, which could include regulations defining the scope of services, a maximum amount of benefits per fiscal year, and the amount of reimbursement for dental services.

The Alaska Mental Health Trust Authority has recognized access to dental services as a priority issue for their beneficiaries and has committed funding for part of the matching funds needed for this service expansion. The expanded services would be provided under an annual cap of \$1,150 per adult at the outset. The cap is intended to control costs of the service expansion and encourage the dentist and client to discuss priorities and treatment options. The Department of Health and Social Services and the Alaska Mental Health Trust Authority agreed to use this expenditure cap as a starting point to provide a level of service that would allow elderly Alaskans to receive a complete set of dentures over a two-year period. The dental expenditure cap for expanded services would not apply to the existing Medicaid coverage for emergency dental services.

I urge your prompt and favorable action on this measure.

Sincerely yours,  
/s/  
Frank H. Murkowski  
Governor"

**HB 106**

HOUSE BILL NO. 106 by the House Rules Committee by request of the Governor, entitled:

"An Act establishing the senior care program and relating to that program; creating a fund for the provision of the senior care program; repealing ch. 3, SLA 2004; and providing for an effective date."

was read the first time and referred to the Health, Education & Social Services and Finance Committees.

The following fiscal note(s) apply:

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

The Governor's transmittal letter dated January 21, 2005, follows:

"Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to health care benefits available to eligible low-income senior citizens.

In 2004, the SeniorCare program was enacted that provided for needs-based cash assistance and a prescription drug benefit (ch. 3, SLA 2004). Today, approximately 6,800 seniors with incomes below 135 percent of the federal poverty level for Alaska receive \$120 a month in

cash assistance through the SeniorCare program. This program has been very successful in reaching senior citizens in Alaska truly in need of cash assistance.

Unfortunately, the SeniorCare program is anticipated to sunset no later than January 1, 2006. Therefore, the legislation I am proposing today will repeal the temporary law created last year and replace it with a permanent law that will strengthen the SeniorCare program and allow it to continue. It is crucial that the State of Alaska continue to provide critical support for Alaska's most needy senior citizens beyond January 1, 2006.

My proposal to improve SeniorCare is through the creation of a supplement to the recently enacted federal Medicare drug benefit for Alaska's seniors. Under the new federal Medicare benefit, many seniors are still required to pay premium and deductible expenses for prescription drugs out of their own pockets. For Alaska seniors with incomes up to 300 percent of the federal poverty level, I propose that SeniorCare pay these premiums and deductibles on our seniors' behalf – a benefit of approximately \$670 per person annually. Seniors with Medigap or other comparable coverage will also be eligible to receive this benefit as long as they meet the basic income and asset standards for SeniorCare.

I anticipate that over 40 percent of the estimated 41,000 Alaska seniors will be eligible for the SeniorCare benefit. With passage of this legislation, the end result will be that as of January 2006 virtually all seniors in Alaska will be eligible for prescription drug coverage through a combination of federal, state, and employer-sponsored drug plans. This represents an achievement in which we should all be proud.

Over the past several years I have listened to our senior citizens throughout Alaska and there is no doubt in my mind that adequate prescription drug coverage remains a top priority of our seniors. Additional state support for SeniorCare in the years to come will help resolve this longstanding issue. It is a sound investment well worth making.



I urge your prompt and favorable action on this measure.

Sincerely yours,  
/s/  
Frank H. Murkowski  
Governor"

**HB 107**

HOUSE BILL NO. 107 by Representative Ramras, entitled:

"An Act providing for the award of full actual attorney fees and costs to a person aggrieved by unlawful obstruction or hindrance of hunting, fishing, or viewing of fish or game; amending Rules 79 and 82, Alaska Rules of Civil Procedure; and amending Rule 508, Alaska Rules of Appellate Procedure."

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

**CONSIDERATION OF THE DAILY CALENDAR****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 - Fairbanks Frontier Chorus of Sweet Adelines

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

Honoring - Alaska Road Commission 100-Year Anniversary

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

In Memoriam - Maxine May Race

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

In Memoriam - Thomas H. Wardleigh

By Representatives McGuire, Samuels, Harris, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kott, LeDoux, Meyer, Neuman, Olson, Ramras, Seaton, Stoltze, Thomas, Wilson

### **UNFINISHED BUSINESS**

Representative Coghill 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 Kohring - from 1:00 p.m., January 25 to 10:00 p.m., plane time, January 28, 2005

Representative Gatto - from 7:00 a.m., January 26 to 7:00 p.m., plane time, January 30, 2005

Representative Joule - from 7:00 p.m., January 27 to 9:30 p.m., plane time, February 5, 2005

Representative Coghill - from 7:30 p.m., January 27 to 9:30 a.m., January 31, 2005

Representative Holm - from 7:00 p.m., January 28 to 9:30 a.m., plane time, February 2, 2005

### **SPECIAL ORDER OF BUSINESS**

Representative Coghill moved and asked unanimous consent that the notice and publication requirements be waived and the citation, In Memoriam - Tommy L. Ramsey, be taken up as a Special Order of Business. There being no objection, it was so ordered.

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

In Memoriam - Tommy L. Ramsey

By Representatives Kelly, Coghill, Harris, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kerttula, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

### UNFINISHED BUSINESS

#### **HJR 6**

Representatives Neuman and McGuire added their names as cosponsors to:

#### HOUSE JOINT RESOLUTION NO. 6

Relating to the labeling of fish products and processed food items containing fish to identify the country of origin and to distinguish between wild and farmed fish and fish products.

#### **HB 13**

Representative Thomas added his name as cosponsor to:

#### HOUSE BILL NO. 13

"An Act relating to reimbursement of municipal bonds for school construction; and providing for an effective date."

#### **HB 33**

Representative Neuman added his name as cosponsor to:

#### HOUSE BILL NO. 33

"An Act relating to the effect of regulations on small businesses; and providing for an effective date."

#### **HB 58**

Representative Neuman added his name as cosponsor to:

HOUSE BILL NO. 58

"An Act relating to offenses against unborn children."

**HB 101**

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 101

"An Act relating to sex trafficking and tourism."

**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., January 26, 2005. There being no objection, the House adjourned at 11:41 a.m.

Suzi Lowell  
Chief Clerk