

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

February 2, 2005

#### Twenty-fourth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:03 a.m.

Roll call showed 37 members present. Representatives Crawford and Joule had been previously excused from a call of the House today.

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

The invocation was offered by the Chaplain, Pastor Gary Waterhouse of the Juneau and Sitka Seventh-day Adventist Churches. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Almighty and eternal God, we ask You to continue to bless the state of Alaska with security, prosperity, and peace. These men and women who stand before You today have been elected to serve, and we pray that they may do so faithfully and with integrity. Enable them to make decisions that will uphold our state and our nations' constitutions. Grant them courage to stand and to build consensus. Help each of them to listen to You and also the voices of all the people, until unity and harmony are found, for the least and the greatest, for the rich and the poor, for the young and the aged, for those who sorrow and those who rejoice.

Bless the personal lives of these leaders, giving them a time for reflection and renewal in their demanding schedules. Bless them and the people of this state. In Thy name we pray. Amen.

The Pledge of Allegiance was led by Representative Stoltze.

### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 22nd and 23rd legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

A letter dated January 31, 2005, was received regarding the declaration of disaster dated January 15, 2005, requesting legislative approval of a financing plan as required under AS 26.23.020. The letter and financial plan had been copied to the Finance Committee co-chairs.

### **COMMUNICATIONS**

The following was received:

Dept. of Administration  
Division of Finance  
Compensation and Travel Report of  
Executive Positions for 2004  
[http://fin.admin.state.ak.us/dof/financial\\_reports/ctep\\_toc.jsp](http://fin.admin.state.ak.us/dof/financial_reports/ctep_toc.jsp)  
(as required by AS 37.05.210)

### **REPORTS OF STANDING COMMITTEES**

#### **HB 15**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 15

"An Act relating to seasonal alcoholic beverage licenses; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 15(L&amp;C)

"An Act relating to seasonal alcoholic beverage licenses; relating to transfer of certain beverage dispensary licenses issued before June 6, 1985; 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, Rokeberg, Anderson

No recommendation (1): Guttenberg

The following fiscal note(s) apply to CSHB 15(L&C):

1. Zero, Dept. of Fish & Game
2. Fiscal, Dept. of Public Safety

HB 15 was referred to the Finance Committee.

**HB 35**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 35

"An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

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

Do pass (6): Lynn, Kott, LeDoux, Guttenberg, Rokeberg, Anderson

The following fiscal note(s) apply:

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

HB 35 was referred to the Finance Committee.

**HB 47**

The Finance Committee has considered:

HOUSE BILL NO. 47

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 47(FIN)

"An Act extending the termination date of the Board of Certified Real Estate Appraisers; and relating to the requirements for membership on the Board of Certified Real Estate Appraisers."

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

Do pass (5): Hawker, Kelly, Foster, Stoltze, Meyer

No recommendation (3): Moses, Croft, Chenault

The following fiscal note(s) apply to CSHB 47(FIN):

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

HB 47 is on today's calendar.

**HB 61**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 61

"An Act relating to licensing for a Calcutta pool as a game of chance."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 61(L&C)  
(same title)

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

Do pass (3): Kott, LeDoux, Anderson

No recommendation (3): Lynn, Guttenberg, Rokeberg

The following fiscal note(s) apply to CSHB 61(L&C):

1. Indeterminate, Dept. of Revenue

HB 61 was referred to the Finance Committee.

#### **HB 64**

The Finance 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 Representatives Meyer and Chenault, Co-chairs, with the following individual recommendations:

Do pass (6): Hawker, Weyhrauch, Kelly, Foster, Stoltze, Meyer

No recommendation (2): Moses, Chenault

The following fiscal note(s) apply:

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

HB 64 is on today's calendar.

**HB 81**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 81

"An Act establishing an administrative fine and procedure for construction contractors in certain circumstances; increasing the amount of a civil penalty for persons acting in the capacity of contractors or home inspectors; modifying the elements of a crime involving contractor registration and residential contractors; and exempting the administrative hearings for imposing an administrative fine on construction contractors from the hearings conducted by the office of administrative hearings in the Department of Administration."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 81(L&amp;C)

"An Act establishing an administrative fine and procedure for construction contractors in certain circumstances; increasing the amount of a civil penalty for persons acting in the capacity of contractors or home inspectors; modifying the elements of a crime involving contractor registration and residential contractors; modifying the exemptions from regulation under AS 08.18 for contractors; and exempting the administrative hearings for imposing an administrative fine on construction contractors from the hearings conducted by the office of administrative hearings in the Department of Administration."

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

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

No recommendation (1): Rokeberg

The following fiscal note(s) apply to CSHB 81(L&C):

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Dept. of Labor & Workforce Development

HB 81 was referred to the Judiciary Committee.

The Speaker stated that, without objection, the House would recess for a meeting of the Committee on Committees; and so, the House recessed at 10:14 a.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 10:32 a.m.

#### **REPORTS OF SPECIAL COMMITTEES**

The following report of the Committee on Committees, dated February 2, 2005, was received submitting an amendment to the January 18, 2005, report (page 84):

Legislative Council: Kott, Chair; Harris, Coghill, Gatto, Rokeberg, Weyhrauch, Berkowitz

The report was signed by Representative Harris, Chair; and Representatives Coghill, Rokeberg, Chenault, Meyer, and Berkowitz.

Representative Coghill moved and asked unanimous consent that the House adopt the Committee on Committees Report as amended. There being no objection, it was so ordered.

#### **HJR 6**

The House Special Committee on Fisheries has considered:

##### **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.

and recommends it be replaced with:

##### **CS FOR HOUSE JOINT RESOLUTION NO. 6(FSH)**

Relating to the labeling of fish and shellfish to identify the country of origin and to distinguish between wild and farmed fish and shellfish.

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

Do pass (6): Harris, Elkins, Salmon, Wilson, LeDoux, Thomas

The following fiscal note(s) apply to CSHJR 6(FSH):

1. Zero, Dept. of Environmental Conservation
2. Zero, Dept. of Fish & Game

HJR 6 was referred to the Resources Committee.

### **HB 32**

The House Special Committee on Oil & Gas has considered:

#### HOUSE BILL NO. 32

"An Act making a special appropriation for a grant to Arctic Power to promote the opening of the Arctic National Wildlife Refuge for oil and gas exploration and development; and providing for an effective date."

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

Do pass (2): Rokeberg, Kohring

No recommendation (3): Gardner, Samuels, McGuire

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

HB 32 was referred to the Finance Committee.

### **INTRODUCTION OF CITATIONS**

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



Honoring - Kenai Chamber of Commerce, 2004 Community Awards  
By Senator Wagoner; Representatives Olson, Chenault

In Memoriam - Jon William Paulsen  
By Representative Guttenberg

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

**HJR 8**

HOUSE JOINT RESOLUTION NO. 8 by Representatives  
Weyhrauch, Dahlstrom, Gardner, Lynn, Stoltze, and Gruenberg:

Expressing support of Alaska Army National Guard soldiers  
deployed worldwide.

was read the first time and referred to the House Special Committee on  
Military & Veterans' Affairs and the State Affairs Committee.

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

**HB 120**

HOUSE BILL NO. 120 by Representative Wilson, entitled:

"An Act relating to safety devices and sharp instruments for the  
prevention of the spread of bloodborne pathogens in health care  
employees; and providing for an effective date."

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

**HB 121**

HOUSE BILL NO. 121 by the House Community & Regional Affairs  
Committee, entitled:

"An Act relating to consolidating or abolishing certain service  
areas in second class boroughs."

was read the first time and referred to the Community & Regional Affairs and State Affairs Committees.

**HB 122**

HOUSE BILL NO. 122 by Representatives Dahlstrom, Berkowitz, Kott, Lynn, Hawker, Gruenberg, and Wilson, entitled:

"An Act relating to payment of premiums for Servicemembers' Group Life Insurance on behalf of members of the Alaska National Guard deployed to a combat zone; and providing for an effective date."

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs and the Labor & Commerce and Finance Committees.

**HB 123**

HOUSE BILL NO. 123 by the House Labor & Commerce Committee, entitled:

"An Act relating to occupational licensing fees and receipts; extending the termination dates of the Boards of Barbers and Hairdressers, Social Work Examiners, Pharmacy, Professional Counselors, Psychologist and Psychological Associate Examiners, and Veterinary Examiners; relating to an exemption that allows one bill to continue more than one board, commission, or agency program; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

**HB 124**

HOUSE BILL NO. 124 by Representative Anderson, entitled:

"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes."

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

**HB 125**

HOUSE BILL NO. 125 by Representatives Gardner and Gara, entitled:

"An Act making an appropriation for the construction of the Dowling Road extension; and providing for an effective date."

was read the first time and referred to the Transportation, Community & Regional Affairs, and Finance Committees.

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 47**

The following was read the second time:

HOUSE BILL NO. 47

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

with the:

Journal Page

L&C RPT 4DP 1NR	149
FN1: (CED)	149
FIN RPT CS(FIN) NT 5DP 3NR	212
FN1: (CED)	212

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. 47(FIN)

"An Act extending the termination date of the Board of Certified Real Estate Appraisers; and relating to the requirements for membership on the Board of Certified Real Estate Appraisers."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Stoltze and Lynn:

Page 1, line 3, following "**Appraisers**" (title amendment):

Insert "**; and prohibiting a municipality from charging a fee for an appeal of a residential real property tax assessment to the municipality's board of equalization**"

Page 2, following line 2:

Insert a new bill section to read:

"\* **Sec. 3.** AS 29.45.190 is amended by adding a new subsection to read:

(f) A municipality may not charge a person a fee for appealing an assessment of residential real property to the board of equalization under this section."

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

Representative Berkowitz objected.

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

Amendment No. 2 was not offered.

Representative Coghill moved and asked unanimous consent that CSHB 47(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 47(FIN) was read the third time.

The question being: "Shall CSHB 47(FIN) pass the House?" The roll was taken with the following result:

CSHB 47(FIN)

Third Reading

Final Passage

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

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kapsner, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Crawford, Joule, Kerttula

And so, CSHB 47(FIN) passed the House and was referred to the Chief Clerk for engrossment.

### **HB 64**

The following was read the second time:

HOUSE BILL NO. 64

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

with the:

Journal Page

L&C RPT 5DP	149
FN1: (CED)	150
FIN RPT 6DP 2NR	213
FN1: (CED)	213

Representative Coghill moved and asked unanimous consent that HB 64 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 64 was read the third time.

Representative Hawker moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Hawker was required to vote.

The question being: "Shall HB 64 pass the House?" The roll was taken with the following result:

HB 64  
Third Reading  
Final Passage

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

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kapsner, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Crawford, Joule, Kerttula

Absent: Moses, Weyhrauch

And so, HB 64 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.

HB 64 was referred to the Chief Clerk for engrossment.

#### **UNFINISHED BUSINESS**

##### **HB 122**

The Speaker removed the Labor & Commerce Committee referral for the following:

##### HOUSE BILL NO. 122

"An Act relating to payment of premiums for Servicemembers' Group Life Insurance on behalf of members of the Alaska National Guard deployed to a combat zone; and providing for an effective date."

HB 122 was referred to the House Special Committee on Military & Veterans' Affairs with a further referral to the Finance Committee.

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:

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Representative Rokeberg - from 2:00 p.m., February 3 to 10:00 p.m., plane time, February 6, 2005

Representative Gatto - from 7:00 p.m., February 3 to 10:00 p.m., plane time, February 6, 2005

Representative Berkowitz - from 7:00 p.m., February 3 to 10:00 p.m., plane time, February 6, 2005

Representative Stoltze - from 7:00 p.m., February 3 to 10:00 p.m., plane time, February 6, 2005

Representative Weyhrauch - from 7:00 p.m., February 3 to 10:00 a.m., plane time, February 8, 2005

Representative Coghill - from noon, February 4 to 10:00 p.m., plane time, February 5, 2005

Representative Thomas - from 10:00 a.m., February 4 to 7:00 p.m., plane time, February 6, 2005

Representative Samuels - from 1:00 p.m., February 4 to 10:00 p.m., plane time, February 6, 2005

Representative Ramras - from 6:00 a.m., February 4 to 9:30 a.m., plane time, February 7, 2005

Representative Gardner - from 10:00 a.m., February 4 to 9:30 a.m., plane time, February 7, 2005

Representative Kelly - from 11:00 a.m., February 4 to 9:30 a.m., plane time, February 7, 2005

Representative Holm - from 6:00 p.m., February 4 to 9:30 a.m., plane time, February 7, 2005

Representative Gara - from 7:30 p.m., February 4 to 9:30 a.m., plane time, February 7, 2005

Representative Croft - from 7:00 p.m., February 4 to 9:30 a.m., plane time, February 10, 2005

Representative Kohring - from 1:00 p.m., February 5 to 10:00 p.m.,  
plane time, February 9, 2005

**HJR 6**

Representative Salmon added his name as cosponsor 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 3**

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 3

"An Act relating to testing public and private school students for  
abnormal spinal curvature."

**HB 7**

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 7

"An Act relating to the calculation and payment of unemployment  
compensation benefits; and providing for an effective date."

**HB 13**

Representative Lynn 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 16**

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 16

"An Act relating to funding for school districts operating  
secondary school boarding programs and to funding for school  
districts from which boarding students come; and providing for an  
effective date."



**HB 20**

Representative Lynn added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 20

"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."

**HB 46**

Representative Elkins removed his name as cosponsor to:

HOUSE BILL NO. 46

"An Act permitting grants to certain regulated public utilities for water quality enhancement projects and water supply and wastewater systems."

**HB 52**

Representative Harris added his name as cosponsor to:

HOUSE BILL NO. 52

"An Act relating to adoption and revision of a comprehensive long-range fiscal plan for the State of Alaska."

**HB 60**

Representatives Gara and Lynn added their names as cosponsors to:

HOUSE BILL NO. 60

"An Act relating to the regulation of the transportation of dead bodies."

**HB 64**

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 64

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

**HB 72**

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 72

"An Act relating to legislative open meetings guidelines."

**HB 84**

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 84

"An Act extending the termination date for the Alaska Seismic Hazards Safety Commission; and providing for an effective date."

**HB 109**

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 109

"An Act relating to establishing a screening, tracking, and intervention program related to the hearing ability of newborns and infants; providing an exemption to licensure as an audiologist for certain persons performing hearing screening tests; relating to insurance coverage for newborn and infant hearing screening; and providing for an effective date."

**ENGROSSMENT****HB 47**

CSHB 47(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 64**

HB 64 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 meeting today has been changed as indicated:

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Administrative Regulation Review  
CHANGED TO:

5:00 p.m., 2/2

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 4, 2005. There being no objection, the House adjourned at 11:38 a.m.

Suzi Lowell  
Chief Clerk