

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

February 9, 2005

Thirty-first Day

Pursuant to adjournment the House was called to order by Speaker pro tempore Coghill at 10:06 a.m.

Roll call showed 36 members present. Representatives Croft, Harris, Kapsner, and Kohring had been previously excused from a call of the House today.

The invocation was offered by the Chaplain, Pastor Patrick Brayton of the Valley Chapel. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Heavenly Father, I lift my heart and my voice to You in supplication for all who represent the people of our state here in the House of Representatives. Please guide their hands as they are called by You to direct the affairs of this wonderful land we call home. May Your wisdom and grace be given for every decision made, and may all of Alaska be blessed by Your favor working through them. We thank You, Father, for Your blessings in the past and look to the future with hope, trusting in Your continued love and favor. Be exalted, O Lord, in our lives. In Jesus' name. Amen.

The Pledge of Allegiance was led by Representative Samuels.

CERTIFICATION OF THE JOURNAL

Acting Majority Leader Foster moved and asked unanimous consent that the journal for the 29th and 30th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

The following was received:

Dept. of Environmental Conservation
Alaska Drinking Water and Clean Water
Annual Loan Fund Report 2005
January 28, 2005
(as required by AS 37.05.035 and AS 46.03.032)

REPORTS OF STANDING COMMITTEES**HB 15**

The Finance 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&C)

"An Act relating to outdoor recreation lodge 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 Representatives Meyer and Chenault, Co-chairs, with the following individual recommendations:

Do pass (4): Foster, Hawker, Meyer, Chenault

No recommendation (4): Moses, Holm, Kelly, Stoltze

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 Rules Committee for placement on the calendar.

HB 41

The Judiciary Committee has considered:

HOUSE BILL NO. 41

"An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree committed against an employee of an elementary, junior high, or secondary school who was engaged in the performance of school duties at the time of the assault."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 41(JUD)
(same title)

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

Do pass (2): Anderson, McGuire

No recommendation (4): Gruenberg, Gara, Coghill, Dahlstrom

The following fiscal note(s) apply to CSHB 41(JUD):

1. Zero, Dept. of Administration
2. Zero, Dept. of Corrections
3. Zero, Dept. of Education & Early Development
4. Zero, Dept. of Law

HB 41 was referred to the Finance Committee.

HB 42

The Transportation Committee has considered:

HOUSE BILL NO. 42

"An Act naming the Joe Williams, Sr., Coastal Trail."

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

Do pass (5): Salmon, Neuman, Thomas, Gatto, Elkins

The following fiscal note(s) apply:

2. Zero, House Transportation Committee/Dept. of Transportation & Public Facilities

HB 42 was referred to the Finance Committee.

HB 82

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 82

"An Act extending the termination date of the Statewide Suicide Prevention Council; and providing for an effective date."

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

Do pass (5): Gardner, Anderson, McGuire, Seaton, Wilson

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

HB 82 was referred to the Finance Committee.

HB 90

The State Affairs Committee has considered:

HOUSE BILL NO. 90

"An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments."

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

Do pass (7): Gardner, Lynn, Gatto, Gruenberg, Ramras, Elkins, Seaton

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 90 is on today's calendar.

HB 102

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 102

"An Act relating to the licensure of foreign medical graduates; and providing for an effective date."

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

Do pass (3): Kott, LeDoux, Anderson

No recommendation (2): Lynn, Guttenberg

The following fiscal note(s) apply:

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

HB 102 was referred to the Finance Committee.

HB 109

The Labor & Commerce Committee has considered:

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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 109(L&C)

"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; relating to insurance coverage for newborn and infant hearing screening; and providing for an effective date."

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

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

No recommendation (1): Rokeberg

The following fiscal note(s) apply to CSHB 109(L&C):

1. Indeterminate, Dept. of Education & Early Development

HB 109 was referred to the Health, Education & Social Services Committee.

HB 115

The Transportation Committee has considered:

HOUSE BILL NO. 115

"An Act relating to charges paid or collected by users or occupants of an airport facility owned or controlled by the state."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 115(TRA)

"An Act relating to charges paid or collected by users or occupants of an airport facility owned or controlled by the state; and providing for an effective date."

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

Do pass (4): Thomas, Neuman, Gatto, Elkins

No recommendation (1): Salmon

The following fiscal note(s) apply to CSHB 115(TRA):

1. Zero, Dept. of Transportation & Public Facilities

HB 115 was referred to the Finance Committee.

HB 119

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 119

"An Act extending the termination date of the Alaska regional economic assistance program; and providing for an effective date."

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

Do pass (5): Neuman, Kott, LeDoux, Olson, Thomas

No recommendation (1): Salmon

The following fiscal note(s) apply:

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

HB 119 was referred to the Finance Committee.

HB 123

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 123

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 123(L&C)
(same title)

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

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

The following fiscal note(s) apply to CSHB 123(L&C):

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

HB 123 was referred to the Finance Committee.

SB 56

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 56(JUD)

"An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 56(JUD)
(same title)

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

Do pass (3): Anderson, Dahlstrom, McGuire

No recommendation (3): Gruenberg, Kott, Gara

The following fiscal note(s) apply to HCS CSSB 56(JUD):

1. Zero, Dept. of Law
2. Zero, Dept. of Corrections
3. Zero, Dept. of Corrections
4. Zero, Dept. of Public Safety
5. Zero, Senate Judiciary Committee/Dept. of Administration

CSSB 56(JUD) 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 - Dennis Sorenson
By Representatives Rokeberg, McGuire; Senator Ben Stevens

Honoring - The 11th Air Force, the 3rd Wing, and the 19th Fighter Squadron at Elmendorf Air Force Base
By Senator Ben Stevens

Honoring - Cooperative Extension Service 75th Anniversary
By Senator Seekins; Representative Holm

Commemorating - Black History Month
By Senator Davis

In Memoriam - Tribute to the Hunter
By Representative Joule

In Memoriam - Rita Marie Kelly
By Senator Davis

In Memoriam - Ella Watt
By Senator Davis

In Memoriam - Richard "Dickie" Watts
By Senator Davis

In Memoriam - Roy Walker
By Senator Davis

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 1

HOUSE CONCURRENT RESOLUTION NO. 1 by Representatives
Rokeberg, Wilson, and Gardner:

Relating to declaring March 2005 as Sobriety Awareness Month.

was read the first time and referred to the Rules Committee for
placement on the calendar.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 131

HOUSE BILL NO. 131 by Representatives Stoltze and McGuire,
entitled:

"An Act increasing the criminal classification of theft of an access
device and of obtaining an access device or identification
documents by fraudulent means; increasing the criminal
classification for certain cases of fraudulent use of an access
device; and providing for an effective date."

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

HB 132

HOUSE BILL NO. 132 by Representatives Stoltze and McGuire, entitled:

"An Act relating to sentencing for certain crimes committed against the elderly; and providing for an effective date."

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

HB 133

HOUSE BILL NO. 133 by Representative Coghill, entitled:

"An Act relating to regulations of the Local Boundary Commission to provide standards and procedures for municipal incorporation, reclassification, dissolution, and certain municipal boundary changes; and providing for an effective date."

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

HB 134

HOUSE BILL NO. 134 by the House Rules Committee by request of the Governor, entitled:

"An Act making supplemental, capital, and other appropriations, and reappropriations; amending appropriations; making appropriations to capitalize funds; making an appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

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

A spreadsheet from the Office of the Governor, Office of Management and Budget, pertaining to the supplemental requests was submitted. The spreadsheet also applies to HB 79 and HB 135.

The Governor's transmittal letter dated February 7, 2005, follows:

"Dear Speaker Harris:

I am transmitting to you today two supplemental appropriation bills for Fiscal Year 2005. Issues requiring attention on an expedited basis are in a separate "fast track" bill. The enclosed bill, however, includes supplemental needs with less immediate timing requirements.

We are submitting a combined package (both "fast track" and regular) that, along with the previously transmitted Division of Elections supplemental bill, totals \$141.3 million in general funds. This reflects necessary program cost increases, along with several priority initiatives.

There always are circumstances beyond state government's management control such as fire costs, response to disasters, and large self-insurance losses. In addition, funding is included for my initiative to fight substance abuse. This bill totals \$43.6 million in general funds.

In some instances, we have been able to cover shortfalls in one area by excess appropriations in another. One example is that based on current estimates of general funds needed for the foundation formula, \$14.1 million can be transferred to cover other supplemental needs. Another \$2.2 million is available for reallocation from adult public assistance and the general relief program.

The administration's goal is to do all we can to limit future supplemental requests. To that end, we look forward to working with you on the funding levels for the Fiscal Year 2006 operating budget.

Sincerely yours,

/s/

Frank H. Murkowski

Governor"

HB 135

HOUSE BILL NO. 135 by the House Rules Committee by request of the Governor, entitled:

"An Act making supplemental appropriations, capital appropriations, other appropriations, and reappropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date."

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

A spreadsheet from the Office of the Governor, Office of Management and Budget, pertaining to the supplemental requests was submitted. The spreadsheet also applies to HB 79 and HB 134.

The Governor's transmittal letter dated February 7, 2005, follows:

"Dear Speaker Harris:

Today I am transmitting two supplemental appropriation bills for Fiscal Year 2005. This bill, sometimes referred to as the "fast track" supplemental bill, includes items that have particularly tight time requirements that are not accommodated by the usual passage of supplemental appropriations later in the spring.

The "fast track" supplemental totals \$97 million in general funds. Our management goal was to include requests for circumstances that were not within the departments' control or were unanticipated when the FY 2005 budget was finalized, such as the small community energy assistance program, gasline costs, and Medicaid increases.

In addition, we are requesting federal funds of \$99 million primarily for Medicaid and transportation projects that are ready to go to bid for the upcoming construction season.

I request that you put this bill on a "fast track" for final action in early March.

Sincerely yours,

/s/

Frank H. Murkowski
Governor"

HB 136

HOUSE BILL NO. 136 by Representative Rokeberg, entitled:

"An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the influence and prosecutions for refusal to submit to a chemical test; and allowing a court to suspend up to 75 percent of the minimum fines required for driving while under the influence and for refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program."

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

HB 137

HOUSE BILL NO. 137 by Representative Kerttula, entitled:

"An Act relating to absences to provide care for certain family members for purposes of permanent fund dividend eligibility; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 90

The following was read the second time:

HOUSE BILL NO. 90

"An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments."

with the:

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L&C RPT 5DP

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FN1: ZERO(ADM)

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STA RPT 7DP 263
FN1: ZERO(ADM) 263

Representative Foster moved and asked unanimous consent that HB 90 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 90 was read the third time.

The question being: "Shall HB 90 pass the House?" The roll was taken with the following result:

HB 90
Third Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0

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

Excused: Croft, Harris, Kapsner, Kohring

And so, HB 90 passed the House and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

Representative Foster 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 Croft - from 9:30 a.m., February 10 to 10:00 p.m., plane time, February 13, 2005

Representative Seaton - from 1:00 p.m., February 10 to 9:30 a.m., plane time, February 14, 2005

Representative Cissna - from noon, February 11 to 9:00 p.m., plane time, February 12, 2005

Representative Thomas - from noon, February 11 to 8:00 a.m., plane time, February 15, 2005

Representative McGuire - from 1:00 p.m., February 11 to 3:00 p.m., plane time, February 15, 2005

HB 79

The spreadsheet from the Office of the Governor, Office of Management and Budget, pertaining to the supplemental requests applies to the following:

HOUSE BILL NO. 79

"An Act making a supplemental appropriation for increased operating costs of the division of elections; and providing for an effective date."

The spreadsheet also applies to HB 134 and HB 135.

HB 1

Representative Thomas added his name as cosponsor to:

HOUSE BILL NO. 1

"An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date."

HB 31

Representative Lynn added his name as cosponsor to:

HOUSE BILL NO. 31

"An Act relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain occupations."

HB 62

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 62

"An Act relating to prohibiting automated telephone calls for a political advertisement to telephone numbers listed as not wanting telephone solicitations; and providing for an effective date."

HB 82

Representative Anderson added his name as cosponsor to:

HOUSE BILL NO. 82

"An Act extending the termination date of the Statewide Suicide Prevention Council; and providing for an effective date."

HB 127

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 127

"An Act relating to service in the peace corps and to service as a diplomat in the United States Foreign Service as allowable absences from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

ENGROSSMENT**HB 90**

HB 90 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.

Campaign Disclosures Year End Report
(as required by AS 15.13.110) due to APOC: midnight, 2/15

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Public Office Expense Term (POET) Account
(as required by AS 15.13.116) due to APOC:

midnight, 2/15

ADJOURNMENT

Representative Foster moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 11, 2005. There being no objection, the House adjourned at 10:42 a.m.

Suzi Lowell
Chief Clerk