

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

February 16, 2005

Thirty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:11 a.m.

Roll call showed 39 members present. Representative Moses was absent and his presence was noted later.

The invocation was offered by the Chaplain, the Reverend George Silides of Holy Trinity Episcopal Church. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Almighty God, You proclaim Your truth in every age by many voices. Direct in our time, I pray, those who speak where many listen and write what many read that they might do their part in making the heart of Alaska's people wise, its mind sound, and its will righteous.

Upon these gentle folk here gathered, pour an abundance of Your blessing that they may be evermore aware of those they are called to serve. May the poor rejoice that they are remembered here. May elders and children rejoice that they are remembered here. May entrepreneurs and owners, students, laborers, and the unemployed rejoice that they are remembered here.

And as what tasks they have set before them are impossible to do without true courage, grant them such a gift that they may seek and hear from unexpected places, unexpected wisdom, and act in unexpected ways to fulfill the highest expectations of their calling. Amen.

The Pledge of Allegiance was led by Representative Hawker.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 36th and 37th legislative days, House Journal Supplement No. 1, and House and Senate Joint Journal Supplement No. 2 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A letter dated February 11, 2005, was read stating that, in accordance with AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the boards and commissions set out below:

The Speaker referred the following to the House Special Committee on Education and the Health, Education & Social Services Committee:

Professional Teaching Practices Commission

Ms. Karen Macklin - Sitka

Appointed: 8/3/2004 Term Expires: 3/1/2008

The Speaker referred the following to the Labor & Commerce Committee:

Alaska State Board of Public Accountancy

Mr. Max E. Mertz - Juneau

Appointed: 8/3/2004 Term Expires: 3/1/2008

Ms. Catherine L. Wilson - Tok

Appointed: 10/21/2004 Term Expires: 3/1/2008

Board of Marital and Family Therapy

Mrs. Kerry L. Rasmussen - Ward Cove

Appointed: 8/3/2004 Term Expires: 3/1/2008

Ms. Martha Swink - Anchorage

Appointed: 8/3/2004 Term Expires: 3/1/2006

Regulatory Commission of Alaska (RCA)

Mr. Anthony A. Price - Anchorage

Appointed: 7/1/2004 Term Expires: 7/1/2010

The Speaker referred the following to the House Special Committee on Oil & Gas and the Resources Committee:

Alaska Oil and Gas Conservation Commission

Mr. Daniel Seamount - Anchorage

Appointed: 1/13/2000 Reappointed: 1/11/2005

Term Expires: 3/1/2011

Resumes for the appointments are on file in the Chief Clerk's office.

A Declaration of Disaster Emergency dated February 11, 2005, with an accompanying letter was received and is on file in the Chief Clerk's office. The Declaration and letter had been copied to the Finance Committee.

REPORTS OF STANDING COMMITTEES**HB 1**

The Health, Education & Social Services Committee has considered:

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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 1(HES)

(same title)

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

Do pass (2): McGuire, Wilson

No recommendation (2): Gardner, Anderson

Amend (2): Cissna, Seaton

The following fiscal note(s) apply to CSHB 1(HES):

1. Fiscal, Dept. of Education & Early Development
2. Fiscal, Dept. of Education & Early Development

HB 1 was referred to the Finance Committee.

HB 30

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 30

"An Act making appropriations for K-12 education operating and school debt expenses; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 30(HES)
(same title)

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

Do pass (2): McGuire, Wilson

No recommendation (2): Gardner, Anderson

Amend (2): Cissna, Seaton

HB 30 was referred to the Finance Committee.

HB 42

The Finance Committee has considered:

HOUSE BILL NO. 42

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

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

Do pass (9): Hawker, Weyhrauch, Croft, Holm, Kelly, Stoltze, Foster, Meyer, Chenault

The following fiscal note(s) apply:

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

HB 42 is on today's calendar.

HB 102

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

Do pass (10): Weyhrauch, Hawker, Joule, Croft, Holm, Kelly, Foster, Stoltze, Meyer, Chenault

The following fiscal note(s) apply:

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

HB 102 was referred to the Rules Committee for placement on the calendar.

HB 115

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

Do pass (7): Hawker, Croft, Kelly, Foster, Weyhrauch, Meyer, Chenault

No recommendation (3): Stoltze, Joule, Holm

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

1. Zero, Dept. of Transportation & Public Facilities

HB 115 was referred to the Rules Committee for placement on the calendar.

SB 62

The Finance Committee has considered:

SENATE BILL NO. 62

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

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

Do pass (8): Hawker, Moses, Holm, Kelly, Foster, Weyhrauch, Meyer, Chenault

No recommendation (3): Joule, Croft, Stoltze

SB 62 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES**HB 26**

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 26

"An Act relating to short-term commercial fishing crewmember licenses; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 26(FSH)
(same title)

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

Do pass (4): Wilson, Elkins, LeDoux, Thomas

No recommendation (1): Salmon

The following fiscal note(s) apply to CSHB 26(FSH):

1. Fiscal, Dept. of Fish & Game
2. Indeterminate, Dept. of Labor & Workforce Development

HB 26 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 - Greater Wasilla Chamber of Commerce, Small Business of the Year

By Senator Green; Representatives Stoltze, Neuman

In Memoriam - Jaxon Kent Logan

By Senator Green; Representatives Stoltze, Neuman

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 133**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 133 by Representatives Coghill, Harris, and Salmon, entitled:

"An Act relating to incorporation of boroughs and 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 152

HOUSE BILL NO. 152 by the House State Affairs Committee, entitled:

"An Act amending the definition of the term 'state agencies' as it presently applies to the provisions of law that establish the Telecommunications Information Council and as it applies under Executive Order No. 113; relating to information systems in the legislative branch and to the Telecommunications Information Council; and providing for an effective date."

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

HB 153

HOUSE BILL NO. 153 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to regulation of the discharge of pollutants under the National Pollutant Discharge Elimination System; and providing for an effective date."

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

The following fiscal note(s) apply:

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

The Governor's transmittal letter dated February 15, 2005, follows:

"Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, and in the interest of reducing duplication in and otherwise improving regulatory processes, I am transmitting a bill relating to regulation of the discharge of pollutants that would authorize state assumption of primacy over the federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) program.

Under existing state law, the Department of Environmental Conservation (DEC) regulates a broad universe of waste and wastewater disposal activities. These include the same activities (the discharge of pollutants to surface waters) that the United States Environmental Protection Agency (EPA) regulates under the NPDES program. This results in duplication of effort by the state and EPA, and in important decisions about the control of wastewater disposal being made by federal regulators with limited knowledge of Alaska-specific issues.

Through ch. 143, SLA 2004, DEC was authorized to take the actions necessary to assume primacy for the Clean Water Act NPDES program for the timber-industry sector. It was recognized through enactment of ch. 143, SLA 2004 that a timber-industry sector program would be a good first step on the road to broader assumption of primacy for the NPDES program. That step, however, brings home to Alaska only a relatively small portion of important wastewater permitting decisions. This limits our ability as a state to design a comprehensive, rational environmental protection program. Such a program would balance prevention of threats to state waters from

industrial discharges and the more common wastewater discharges such as from municipal sewage treatment plants and stormwater against our constitutional charge to develop state land and resources, consistent with the public interest.

This bill would remove the timber-sector limitation on the authority provided by ch. 143, SLA 2004, thereby allowing the DEC to take the actions necessary to assume primacy for all of the NPDES program delegable to the state. This would enable DEC to pursue the full benefit of the federal Clean Water Act for Alaska, by bringing home to the state this important permitting program in full, all at once or through phased implementation. This would not affect adoption or implementation of state water quality standards.

The bill also would amend existing fee provisions to allow for financing of a portion of the full state NPDES program through user fees. Specifically, sec. 2 of the bill would give the DEC the general authority to adopt user fee regulations covering the entire state-assumed NPDES primacy program, thereby removing the existing limitation of this authority to only the timber-industry sector. Under existing AS 37.10.050 - 37.10.058, state NPDES permits would be included in the designated regulatory services category for which flat fees are set, just as state-issued wastewater disposal permits and the state's certification of federal NPDES permits already are.

Section 4 of the bill contains several conditions to include in a state NPDES program. These conditions are the result of extensive consultation between the DEC, the EPA, and permittees who will be affected by the state's assumption of the NPDES program.

The enforcement and penalty provisions would apply to the full NPDES program in the same manner as approved by the Legislature last year for the timber-industry sector program authorized by ch. 143, SLA 2004.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski

Governor"

HB 154

HOUSE BILL NO. 154 by Representatives Gara, Salmon, Kapsner, Gardner, Guttenberg, Crawford, Berkowitz, Kerttula, Cissna, and Gruenberg, entitled:

"An Act relating to the base student allocation used in the formula for state funding of public education; 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 155

HOUSE BILL NO. 155 by Representatives Samuels, Wilson, and McGuire, entitled:

"An Act relating to youth courts and to the recommended use of criminal fines to fund the activities of youth courts; and relating to accounting for criminal fines."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 15**

The following was read the second time:

HOUSE BILL NO. 15

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

with the:

Journal Page

L&C RPT CS(L&C) NT 5DP 1NR

210

FN1: ZERO(DFG)

211

FN2: (DPS)	211
FIN RPT CS(L&C) NT 4DP 4NR	260
FN1: ZERO(DFG)	261
FN2: (DPS)	261

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. 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."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 15(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 15(L&C) was read the third time.

Representative Meyer placed a call of the House.

**The presence of Representative Moses was noted.

The Speaker stated the call was satisfied.

The question being: "Shall CSHB 15(L&C) pass the House?" The roll was taken with the following result:

CSHB 15(L&C)

Third Reading

Final Passage

YEAS: 31 NAYS: 9 EXCUSED: 0 ABSENT: 0

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

Nays: Berkowitz, Gara, Guttenberg, Joule, Kapsner, Kerttula, Moses, Salmon, Wilson

And so, CSHB 15(L&C) 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.

Representative Berkowitz gave notice of reconsideration of the vote on CSHB 15(L&C).

HB 42

The following was read the second time:

HOUSE BILL NO. 42
 "An Act naming the Joe Williams, Sr., Coastal Trail."

with the:	Journal Page
CRA RPT 5DP	115
FN1: INDETERMINATE(DOT)	115
TRA RPT 5DP	262
FN2: ZERO(H.TRA/DOT)	262
FIN RPT 9DP	326
FN2: ZERO(H.TRA/DOT)	327

Representative Coghill moved and asked unanimous consent that HB 42 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 42 was read the third time.

Representative Kott moved and asked unanimous consent that all members of the House be shown as cosponsors of HB 42. There being no objection, it was so ordered.

The question being: "Shall HB 42 pass the House?" The roll was taken with the following result:

HB 42

Third Reading

Final Passage

YEAS: 40 NAYS: 0 EXCUSED: 0 ABSENT: 0

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

And so, HB 42 passed the House and was referred to the Chief Clerk for engrossment.

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 - Staff Sergeant Kris Kennedy, Fort Wainwright Non-Commissioned Officer of the Year

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

Honoring - Elizabeth Jayne, Junior Yukon Quest Sled Dog Race Winner

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

Honoring - Rotary International's 100th Year Anniversary

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

In Memoriam - Rubye "Ma" Talmadge

By Senator Davis; Representatives Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, LeDoux, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, 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 Hawker - from 6:00 a.m., February 17 to 10:00 p.m., February 21, 2005

Representative Salmon - from 6:00 a.m., February 17 to 10:00 p.m., February 21, 2005

Representative Moses - from 6:00 a.m., February 17 to 10:00 p.m., plane time, February 22, 2005

Representative Neuman - from 6:00 a.m., February 17 to 10:00 p.m., plane time, February 22, 2005

Representative Ramras - from 6:00 a.m., February 18 to morning plane time, February 21, 2005

Representative Lynn - from 7:00 a.m., February 18 to evening plane time, February 21, 2005

Representative Gardner - from 7:00 a.m., February 18 to evening plane time, February 21, 2005

Representative Thomas - from 7:00 a.m., February 18 to evening plane time, February 21, 2005

Representative Gara - from 6:00 p.m., February 18 to 10:00 p.m., plane time, February 21, 2005

Representative Holm - from 6:00 p.m., February 18 to 10:00 p.m., plane time, February 21, 2005

Representative Croft - from 7:00 p.m., February 18 to 2:00 p.m., plane time, February 21, 2005

Representative Samuels - from 7:00 p.m., February 18 to 2:00 p.m., plane time, February 21, 2005

Representative Elkins - from 7:00 a.m., February 18 to evening plane time, February 22, 2005

Representative Rokeberg - from 7:00 p.m., February 18 to evening plane time, February 22, 2005

Representative Coghill - from 7:00 a.m., February 20 to evening plane time, February 21, 2005

Representative Joule - from noon, February 20 to evening plane time, February 23, 2005

HB 146

The Speaker added a referral to the Community & Regional Affairs Committee for the following:

HOUSE BILL NO. 146

"An Act relating to an extension for review and approval of revisions to the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003; and providing for an effective date."

HB 146 is in the State Affairs Committee with further referrals to the Community & Regional Affairs and Resources Committees.

HB 15

Representative Olson added his name as cosponsor to:

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."

HB 30

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 30

"An Act making appropriations for K-12 education operating and school debt expenses; and providing for an effective date."

HB 58

Representative Olson added his name as cosponsor to:

HOUSE BILL NO. 58

"An Act relating to offenses against unborn children."

HB 85

Representatives Seaton and McGuire added their names as cosponsors to:

HOUSE BILL NO. 85

"An Act relating to self-administration and documentation of certain types of medication prescribed to a child attending school."

HB 89

Representative Anderson added his name as cosponsor to:

HOUSE BILL NO. 89

"An Act relating to labeling and identification of genetically modified fish and fish products."

HB 149

Representative Lynn added his name as cosponsor to:

HOUSE BILL NO. 149

"An Act relating to further regulation of the sale, possession, and delivery of certain chemicals and precursors used in the manufacture of methamphetamine."

ENGROSSMENT

HB 42

HB 42 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.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 18, 2005. There being no objection, the House adjourned at 12:04 p.m.

Suzi Lowell
Chief Clerk