

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Thursday

February 24, 2005

#### Forty-sixth Day

The House was called to order by Speaker Harris at 10:54 a.m.

Roll call showed 31 members present. Representatives Dahlstrom, Guttenberg, Kapsner, Kott, and Lynn had been previously excused from a call of the House today. Representatives Berkowitz, Chenault, Kerttula, and Meyer were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Neuman be excused from noon today to 9:30 a.m., plane time, February 28, 2005 (amended from page 401).

The invocation was offered by the Chaplain, Nancy Campbell of the Gospel Outreach Christian Center. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Dear Heavenly Father,

I ask Your blessing on all of the business conducted in this House chamber today. I pray for those who would be speaking today that You grant them clarity of thought. For those listening, give them an understanding of any issues that need to be addressed. Most of all, Lord, I pray for open communication between the legislators as they reason together over the affairs this day will bring forth. Thank You, Lord.

In Jesus' name, 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 45th legislative day and Senate and House Joint Journal Supplement No. 3 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

The Speaker stated that, without objection, the House would recess to allow members of the Senate to enter the Chamber; and so, the House recessed at 10:57 a.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 11:05 a.m.

\*\*The presence of Representatives Meyer, Berkowitz, Chenault, and Kerttula was noted.

#### **JOINT SESSION IN THE HOUSE**

In accordance with Uniform Rule 51, Speaker Harris turned the gavel over to President Ben Stevens who called the joint session to order at 11:05 a.m.

The purpose of the joint session was to hear an address by the Honorable Ted Stevens, U.S. Senator.

Senator Green, Acting Majority Leader, moved and asked unanimous consent that the roll call of the Senate be waived and all members be shown as present. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that the roll call of the House be waived and all members be shown as present. There being no objection, it was so ordered.

President Ben Stevens appointed Representative Berkowitz and Senator Ellis to escort the Honorable Ted Stevens to the joint session.

The Senate Sergeant-at-Arms announced the Senator's entrance into the House Chamber.

Senator Ted Stevens was escorted to the rostrum by Representative Berkowitz and Senator Ellis and by members of the Honor Guard of the Alaska Military Youth Academy. President Ben Stevens welcomed the Senator.

Senator Ted Stevens delivered his address and it is published in House and Senate Joint Journal Supplement No. 4.

A question and answer period followed the conclusion of the Senator's speech.

Senator Ted Stevens received a standing ovation and was escorted from the Chamber by Representative Berkowitz and Senator Ellis.

Senator Green moved and asked unanimous consent that the joint session adjourn. There being no objection, President Ben Stevens adjourned the joint session at 11:52 a.m.

The Speaker stated that, without objection, the House would recess until 1:00 p.m. There being no objection, the House recessed at 11:52 a.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 1:10 p.m.

Representative Neuman had been previously excused from a call of the House today (page 405).

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

A message dated February 23, 2005, was received stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 90**

CSSB 90(STA) by the Senate State Affairs Committee, entitled:

"An Act relating to Alaska Territorial Guard Day."

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

A Senate letter of intent was attached (Senate Journal page 338).

**REPORTS OF STANDING COMMITTEES****HCR 2**

The Resources Committee has considered:

**HOUSE CONCURRENT RESOLUTION NO. 2**

Urging Governor Murkowski to take quick action to conduct, approve, or sanction a study of in-state natural gas needs and take-off points for intrastate use of natural gas transported in a North Slope natural gas pipeline.

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

Do pass (7): Olson, Kapsner, Seaton, Elkins, LeDoux, Ramras, Samuels

HCR 2 was referred to the Rules Committee for placement on the calendar.

**HB 121**

The Community & Regional Affairs Committee has considered:

**HOUSE BILL NO. 121**

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 121(CRA)

"An Act relating to consolidating or abolishing certain service areas in second class boroughs; and providing for an effective date."

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

Do pass (1): Thomas

No recommendation (5): Cissna, Neuman, Salmon, LeDoux, Olson

The following fiscal note(s) apply to CSHB 121(CRA):

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

HB 121 was referred to the State Affairs Committee.

#### **HB 124**

The Judiciary Committee has considered:

HOUSE BILL NO. 124

"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."

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

Do pass (3): Gruenberg, Anderson, McGuire

No recommendation (2): Coghill, Gara

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

2. Zero, Dept. of Corrections

3. Zero, Dept. of Law
4. Zero, Dept. of Public Safety

HB 124 was referred to the Finance Committee.

**HB 158**

The Finance Committee has considered:

## HOUSE BILL NO. 158

"An Act relating to the public school account and renaming the public school account as the public education fund; and providing for an effective date."

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

Do pass (3): Foster, Meyer, Chenault

No recommendation (8): Hawker, Croft, Joule, Holm, Stoltze, Moses, Kelly, Weyhrauch

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

HB 158 was referred to the Rules Committee for placement on the calendar.

**INTRODUCTION OF CITATIONS**

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

Honoring - Life Achievements of Robert C. "Bob" Reeve  
By Representatives Hawker, Samuels

Honoring - The Volunteer Corps of the Iditarod Dog Sled Race Who Have Proudly Served Our Country in the Military  
By Senator Huggins; Representatives Stoltze, Neuman

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE RESOLUTIONS****HJR 13**

HOUSE JOINT RESOLUTION NO. 13 by Representative Crawford:

Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

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

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 171**

HOUSE BILL NO. 171 by Representative Kelly, entitled:

"An Act relating to the retrospective application and applicability of the overtime compensation exemption for flight crew members; and providing for an effective date."

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

**HB 172**

HOUSE BILL NO. 172 by Representative Anderson, entitled:

"An Act relating to stop orders on building construction using unregistered and nonexempt architects, engineers, land surveyors, or landscape architects."

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

**HB 173**

HOUSE BILL NO. 173 by the House Rules Committee by request of the Legislative Budget and Audit Committee, entitled:

"An Act relating to school funding and adjusting the district cost factors; and providing for an effective date."

was read the first time and referred to the House Special Committee on Education and the Finance Committee.

**HB 174**

HOUSE BILL NO. 174 by Representative Samuels, entitled:

"An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date."

was read the first time and referred to the House Special Committee on Fisheries and the Resources and Finance Committees.

**HB 175**

HOUSE BILL NO. 175 by Representative McGuire, entitled:

"An Act relating to the creation of a civil legal services fund."

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

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE BILLS**

**HB 115**

The following was read the second time:

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."

with the:	Journal Page
TRA RPT CS(TRA) NT 4DP 1NR	264
FN1: ZERO(DOT)	265
FIN RPT CS(TRA) NT 7DP 3NR	327
FN1: ZERO(DOT)	328



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. 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."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 115(TRA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 115(TRA) was read the third time.

The question being: "Shall CSHB 115(TRA) pass the House?" The roll was taken with the following result:

CSHB 115(TRA)

Third Reading

Final Passage

**YEAS: 33 NAYS: 0 EXCUSED: 6 ABSENT: 1**

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

Excused: Dahlstrom, Guttenberg, Kapsner, Kott, Lynn, Neuman

Absent: Gara

And so, CSHB 115(TRA) 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.

CSSH 115(TRA) was referred to the Chief Clerk for engrossment.

### THIRD READING OF SENATE BILLS

#### SB 56

The following, which was advanced to third reading from the February 23, 2005, calendar (page 395), was read the third time:

HOUSE CS FOR CS FOR SENATE BILL NO. 56(FIN) am H  
"An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date."

The question being: "Shall HCS CSSB 56(FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 56(FIN) am H  
Third Reading  
Final Passage

**YEAS: 33 NAYS: 0 EXCUSED: 6 ABSENT: 1**

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

Excused: Dahlstrom, Guttenberg, Kapsner, Kott, Lynn, Neuman

Absent: Anderson

And so, HCS CSSB 56(FIN) am H 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 Samuels gave notice of reconsideration of the vote on HCS CSSB 56(FIN) am H.

**RECONSIDERATION****SB 56**

Representative Samuels moved and asked unanimous consent that reconsideration of HCS CSSB 56(FIN) am H be taken up on the same day. There being no objection, it was so ordered.

HCS CSSB 56(FIN) am H was again before the House in third reading.

The question to be reconsidered: "Shall HCS CSSB 56(FIN) am H pass the House?" The roll was taken with the following result:

HCS CSSB 56(FIN) am H--RECONSIDERATION

Third Reading

Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 6 ABSENT: 0**

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

Excused: Dahlstrom, Guttenberg, Kapsner, Kott, Lynn, Neuman

And so, HCS CSSB 56(FIN) am H passed the House on reconsideration.

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.

HCS CSSB 56(FIN) am H was referred to the Chief Clerk for engrossment.

**THIRD READING OF SENATE BILLS**

(continued)

**SB 62**

The following, which was advanced to third reading from the February 23, 2005, calendar (page 398), was read the third time:

## 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 question being: "Shall SB 62 pass the House?" The roll was taken with the following result:

SB 62

Third Reading

Final Passage

**YEAS: 30 NAYS: 3 EXCUSED: 6 ABSENT: 1**

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Elkins, Gara, Gardner, Gatto, Gruenberg, Harris, Hawker, Holm, Joule, Kelly, Kerttula, Kohring, LeDoux, McGuire, Meyer, Moses, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Crawford, Croft, Salmon

Excused: Dahlstrom, Guttenberg, Kapsner, Kott, Lynn, Neuman

Absent: Foster

And so, SB 62 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.

Representative Berkowitz objected and withdrew the objection. There being no further objection, the effective date clause was adopted.

SB 62 was signed by the Speaker and Chief Clerk and returned to the Senate.

**RECONSIDERATION****HB 46**

Representative Wilson brought up reconsideration of the vote on CSHB 46(FIN) (page 398).

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 46(FIN)

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

Representative Wilson moved and asked unanimous consent that CSHB 46(FIN) be returned to second reading for the specific purpose of considering Amendment No. 1.

Representative Coghill objected.

Representative Wilson moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

Representative Wilson requested that her call to bring up reconsideration of CSHB 46(FIN) be withdrawn. Objection was heard.

CSHB 46(FIN) was before the House in third reading.

The question to be reconsidered: "Shall CSHB 46(FIN) pass the House?" The roll was taken with the following result:

CSHB 46(FIN)--RECONSIDERATION

Third Reading

Final Passage

**YEAS: 20 NAYS: 13 EXCUSED: 6 ABSENT: 1**

Yeas: Anderson, Chenault, Coghill, Croft, Gardner, Gatto, Gruenberg, Harris, Hawker, Holm, Kelly, Kohring, McGuire, Meyer, Moses, Ramras, Rokeberg, Samuels, Stoltze, Thomas

Nays: Berkowitz, Cissna, Crawford, Elkins, Foster, Gara, Joule, Kerttula, LeDoux, Olson, Salmon, Seaton, Wilson

Excused: Dahlstrom, Guttenberg, Kapsner, Kott, Lynn, Neuman

Absent: Weyhrauch

And so, lacking the necessary 21 votes, CSHB 46(FIN)(fld H) failed to pass the House.

**HB 102**

Representative LeDoux brought up reconsideration of the vote on HB 102 (page 400).

The following was again before the House in third reading:

HOUSE BILL NO. 102

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

Representative LeDoux moved and asked unanimous consent that HB 102 be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives LeDoux, Kerttula, and Stoltze:

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

Insert "**and to applications for a license to practice medicine**"

Page 1, following line 12:

Insert a new bill section to read:

**\*\* Sec. 2.** AS 08.64.200(a) is amended to read:

(a) Except for foreign medical graduates as specified in AS 08.64.225, each physician applicant shall

(1) submit a certificate of graduation from a legally chartered medical school accredited by the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association;

(2) submit a certificate from a recognized hospital or hospitals certifying that the applicant has satisfactorily performed the duties of resident physician or intern for a period of

(A) one year if the applicant graduated from medical school before January 1, 1995, as evidenced by a certificate of completion of the first year of postgraduate training from the facility where the applicant completed the first year of internship or residency; and

(B) two years if the applicant graduated from medical school on or after January 1, 1995, as evidenced

by a certificate of completion of the first year of postgraduate training from the facility where the applicant completed the first year of internship or residency and a certificate of successful completion of one additional year of postgraduate training at a recognized hospital;

(3) submit a list of negotiated settlements or judgments in claims or civil actions alleging medical malpractice against the applicant, including an explanation of the basis for each claim or action; and

(4) not have a license to practice medicine in another state, **country**, province, or territory that is currently suspended or revoked for disciplinary reasons."

Renumber the following bill sections accordingly.

Representative LeDoux moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered and the new title follows:

HOUSE BILL NO. 102 am

"An Act relating to the licensure of foreign medical graduates and to applications for a license to practice medicine; and providing for an effective date."

Representative Gara moved and asked unanimous consent that HB 102 am be returned to second reading for the specific purpose of considering Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representatives Gara and Stoltze:

Page 2, line 11, following "**competency**":

Insert "**and professional qualifications as the board considers necessary to ensure the continued protection of the public**"

Representative Gara moved and asked unanimous consent that Amendment No. 2 be adopted. There being no objection, it was so ordered.

The question to be reconsidered: "Shall HB 102 am pass the House?"  
The roll was taken with the following result:

HB 102 am--RECONSIDERATION  
Third Reading  
Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 6 ABSENT: 0**

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

Excused: Dahlstrom, Guttenberg, Kapsner, Kott, Lynn, Neuman

And so, HB 102 am passed the House on reconsideration.

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 102 am was referred to the Chief Clerk for engrossment.

### UNFINISHED BUSINESS

#### **HCR 2**

The House Rules Committee has submitted the following fiscal note:

1. Zero, House Rules Committee/Dept. of Natural Resources

The fiscal note applies to the following:

#### HOUSE CONCURRENT RESOLUTION NO. 2

Urging Governor Murkowski to take quick action to conduct, approve, or sanction a study of in-state natural gas needs and take-off points for intrastate use of natural gas transported in a North Slope natural gas pipeline.

#### **HB 155**

Representative Croft added his name as cosponsor to:



**HOUSE BILL NO. 155**

"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."

**SB 56**

Representatives Croft, Samuels, and McGuire added their names as cross sponsors to:

HOUSE CS FOR CS FOR SENATE BILL NO. 56(FIN) am H

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

**ENGROSSMENT**

**HB 102**

HB 102 am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 115**

CSHB 115(TRA) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**SB 56**

HCS CSSB 56(FIN) am H 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:

Finance Committee

CANCELLED:

1:30 p.m.

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 25, 2005. There being no objection, the House adjourned at 2:23 p.m.

Suzi Lowell  
Chief Clerk