

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Friday

March 18, 2005

Sixty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:23 a.m.

Roll call showed 33 members present. Representatives LeDoux, Salmon, and Samuels had been previously excused from a call of the House today. Representatives Berkowitz, Gara, and Weyhrauch were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Olson 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, Jetta Whittaker of the Juneau Unitarian Universalist Fellowship. Representative Kott moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

From the Unitarian Universalist hymnal, the words of minister Wallace Robbins:

Let us ever seek the oneness of God and never turn from that venture to the dark byways of quarrels and competitive struggles which interrupt the pilgrimage of humankind. We aspire to be universal and to take into account all people.

We reject that which scatters us into ghettos or forces upon us an ultimate loneliness. We desire to live together in such affection as will not allow us to feel threatened by our differences; happy in the liberty which encourages each to

make words correspond with thought and acts with conscience.

The work of this body is a moral work. We know no better way of showing our gratitude to God and our confidence in one another. In honest difference, we order our lives together. Blessed be.

The Pledge of Allegiance was led by Representative Moses.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 67th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

The following were received:

Dept. of Administration
Office of the Commissioner
Amended Monetary Terms of Agreement Between the
State and the Inlandboatmen's Union of the Pacific
March 9, 2005
(as required by AS 23.40.215)

Dept. of Administration
Office of the Commissioner
Monetary Terms of Agreement Between the
State and the Marine Engineers Beneficial Association
March 9, 2005
(as required by AS 23.40.215)

Dept. of Administration
Office of the Commissioner
Monetary Terms of Agreement Between the
State and the International Organization of Masters,
Mates and Pilots
March 9, 2005
(as required by AS 23.40.215)

Dept. of Administration
Office of the Commissioner
Monetary Terms of Agreement Between the
State and the Public Safety Employees Association
March 9, 2005
Amended Monetary Terms of Agreement Between the
State and the Public Safety Employees Association
March 17, 2005
(as required by AS 23.40.215)

The Speaker referred the monetary terms of agreements to the Finance Committee.

REPORTS OF STANDING COMMITTEES

HB 12

The State Affairs Committee has considered:

HOUSE BILL NO. 12

"An Act relating to televisions and monitors in motor vehicles."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 12(STA)

"An Act relating to televisions, monitors, portable computers, and similar devices in motor vehicles."

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

Do pass (6): Gardner, Lynn, Gatto, Gruenberg, Elkins, Seaton

The following fiscal note(s) apply to CSHB 12(STA):

1. Zero, Dept. of Administration
2. Zero, Dept. of Law
3. Zero, Dept. of Public Safety
4. Zero, Dept. of Public Safety

HB 12 was referred to the Judiciary Committee.

HB 19

The Finance Committee has considered:

HOUSE BILL NO. 19

"An Act relating to pesticides and broadcast chemicals; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 19(FIN)

(same title)

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

Do pass (4): Foster, Weyhrauch, Croft, Meyer

Do not pass (1): Holm

No recommendation (5): Hawker, Stoltze, Moses, Kelly, Chenault

The following fiscal note(s) apply to CSHB 19(FIN):

2. Fiscal, House Finance Committee/Dept. of Environmental Conservation

HB 19 was referred to the Rules Committee for placement on the calendar.

HB 61

The Finance 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(FIN)

"An Act relating to Calcutta pools and crane classics as authorized forms of charitable gaming."

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

Do pass (3): Hawker, Foster, Chenault

No recommendation (5): Holm, Stoltze, Kelly, Croft, Meyer

The following fiscal note(s) apply to CSHB 61(FIN):

1. Indeterminate, Dept. of Revenue

HB 61 was referred to the Rules Committee for placement on the calendar.

HB 94

The State Affairs Committee has considered:

HOUSE BILL NO. 94

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through a power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum, recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 94(STA)

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration and absentee ballot requests through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through a power of attorney or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; relating to incorporation elections."

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

Do pass (3): Gatto, Gruenberg, Seaton

No recommendation (2): Gardner, Lynn

The following fiscal note(s) apply to CSHB 94(STA):

1. Zero, Office of the Governor

HB 94 was referred to the Judiciary Committee.

HB 108

The Finance Committee has considered:

HOUSE BILL NO. 108

"An Act relating to the regulation of water and sewer utilities of political subdivisions that are not in competition with other water and sewer utilities."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 108(FIN)

"An Act relating to the regulation of water and sewer utilities of political subdivisions that are not in competition with other water and sewer utilities; 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): Hawker, Weyhrauch, Foster

No recommendation (6): Holm, Stoltze, Moses, Kelly, Meyer, Chenault

The following fiscal note(s) apply to CSHB 108(FIN):

1. Zero, Dept. of Environmental Conservation
2. Fiscal, Dept. of Commerce, Community, & Economic Development
3. Fiscal, Dept. of Law

HB 108 was referred to the Rules Committee for placement on the calendar.

HB 151

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 151

"An Act relating to provider responsibility for ocular postoperative care; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 151(HES)
(same title)

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

Do pass (2): Anderson, McGuire

Do not pass (5): Cissna, Gardner, Seaton, Kohring, Wilson

The following fiscal note(s) apply to CSHB 151(HES):

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

HB 151 was referred to the Labor & Commerce Committee.

HB 156

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 156

"An Act relating to the membership of the Alaska Commission on Aging; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 156(HES)

"An Act relating to the membership of and quorum requirements for the Alaska Commission on Aging; and providing for an effective date."

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

Do pass (7): Cissna, Gardner, Anderson, Kohring, McGuire, Seaton, Wilson

The following fiscal note(s) apply to CSHB 156(HES):

1. Zero, Dept. of Health & Social Services

HB 156 was referred to the Finance Committee.

**The presence of Representative Berkowitz was noted.

HB 178

The State Affairs Committee has considered:

HOUSE BILL NO. 178

"An Act relating to special motor vehicle registration plates; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 178(STA)
(same title)

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

Do pass (4): Gruenberg, Elkins, Ramras, Seaton

Do not pass (1): Gatto

No recommendation (2): Gardner, Lynn

The following fiscal note(s) apply to CSHB 178(STA):

1. Fiscal, Dept. of Administration

HB 178 was referred to the Finance Committee.

HB 185

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 185

"An Act relating to immunization of postsecondary students for meningitis; and providing for an effective date."

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

Do pass (3): Anderson, McGuire, Wilson

Do not pass (1): Gardner

No recommendation (3): Cissna, Kohring, Seaton

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

HB 185 was referred to the Finance Committee.

SB 36

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 36(JUD)
"An Act relating to absentee ballots."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 36(STA)
(same title)

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

Do pass (5): Lynn, Gatto, Elkins, Ramras, Seaton

No recommendation (2): Gardner, Gruenberg

The following fiscal note(s) apply to HCS CSHB 36(STA):

1. Zero, Office of the Governor

CSSB 36(JUD) was referred to the Judiciary Committee.

REPORTS OF SPECIAL COMMITTEES

HB 71

The House Special Committee on Oil & Gas has considered:

HOUSE BILL NO. 71
"An Act relating to a credit for certain exploration expenses against oil and gas properties production taxes on oil and gas produced from a lease or property in the state; relating to the deadline for certain exploration expenditures used as credits

against production tax on oil and gas produced from a lease or property in the Alaska Peninsula competitive oil and gas areawide lease sale area after July 1, 2004; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 71(O&G)

"An Act relating to a credit for certain exploration expenses against oil and gas properties production taxes on oil and gas produced from a lease or property in the state; relating to the deadline for certain exploration expenditures used as credits against the production tax on oil and gas produced from a lease or property in the Alaska Peninsula competitive oil and gas areawide lease sale area after July 1, 2004; and providing for an effective date."

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

Do pass (1): Kohring

No recommendation (5): Samuels, Gardner, Kerttula, Dahlstrom, Rokeberg

The following fiscal note(s) apply to CSHB 71(O&G):

1. Indeterminate, Dept. of Natural Resources
2. Zero, Dept. of Revenue

HB 71 was referred to the Resources Committee.

HB 166

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE BILL NO. 166

"An Act relating to a program to honor a deceased veteran's military service."

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

Do pass (5): Thomas, Gruenberg, Cissna, Elkins, Lynn

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Military & Veterans' Affairs

HB 166 was referred to the State Affairs Committee.

**The presence of Representatives Gara and Weyhrauch was noted.

HB 167

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE BILL NO. 167

"An Act relating to providing a death certificate for a deceased veteran without cost."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 167(MLV)
(same title)

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

Do pass (5): Thomas, Gruenberg, Cissna, Elkins, Lynn

The following fiscal note(s) apply to CSHB 167(MLV):

1. Zero, Dept. of Military & Veterans' Affairs
2. Fiscal, Dept. of Health & Social Services

HB 167 was referred to the State Affairs Committee.

HB 181

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE BILL NO. 181

"An Act establishing a waiver for active duty military service of continuing education requirements for renewal of occupational licenses."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 181(MLV)
(same title)

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

Do pass (6): Thomas, Gruenberg, Cissna, Elkins, McGuire, Lynn

The following fiscal note(s) apply to CSHB 181(MLV):

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Dept. of Military & Veterans' Affairs

HB 181 was referred to the Labor & Commerce Committee.

HB 201

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE BILL NO. 201

"An Act relating to an application for a permanent fund dividend for a member of the armed forces of the United States serving on active duty outside of the state; and providing for an effective date."

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

Do pass (6): Thomas, Gruenberg, Cissna, Elkins, McGuire, Lynn

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 201 was referred to the State Affairs Committee.

SB 90

The House Special Committee on Military & Veterans' Affairs has considered:

CS FOR SENATE BILL NO. 90(STA)
"An Act relating to Alaska Territorial Guard Day."

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

Do pass (4): Thomas, Gruenberg, Elkins, Lynn

The following fiscal note(s) apply:

1. Zero, Office of the Governor/All Depts.

CSSB 90(STA) was referred to the State Affairs Committee.

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

HB 224

HOUSE BILL NO. 224 by Representatives Berkowitz and Hawker, entitled:

"An Act relating to the sale or securitization of certain of the state's oil taken as royalty."

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

HB 225

HOUSE BILL NO. 225 by Representative McGuire, entitled:

"An Act relating to medical examiners and medical death examinations."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF SENATE BILLS****SB 60**

The following was read the second time:

SENATE BILL NO. 60

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

with the:

Journal Page

FIN RPT 9DP 1NR

565

FN2: (HSS)

565

Representative Coghill moved and asked unanimous consent that SB 60 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 60 was read the third time.

The question being: "Shall SB 60 pass the House?" The roll was taken with the following result:

SB 60

Third Reading

Final Passage

YEAS: 35 NAYS: 1 EXCUSED: 4 ABSENT: 0

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

Nays: Hawker

Excused: LeDoux, Olson, Salmon, Samuels

And so, SB 60 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.

SB 60 was signed by the Speaker and Chief Clerk and returned to the Senate.

SECOND READING OF HOUSE RESOLUTIONS

HJR 8

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 8

Expressing support of Alaska Army National Guard soldiers deployed worldwide.

with the:	Journal Page
MLV RPT 5DP	353
FN1: ZERO(H.MLV)	353
STA RPT 5DP	556
FN1: ZERO(H.MLV)	557

Representative Coghill moved and asked unanimous consent that HJR 8 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HJR 8 was read the third time.

The question being: "Shall HJR 8 pass the House?" The roll was taken with the following result:

HJR 8
Third Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 4 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, Lynn, McGuire, Meyer, Moses, Neuman, Ramras, Rokeberg, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: LeDoux, Olson, Salmon, Samuels

And so, HJR 8 passed the House and was referred to the Chief Clerk for engrossment.

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 Guttenberg - from 7:00 p.m., March 18 to 2:00 p.m., plane time, March 20, 2005

Representative Holm - from 7:00 p.m., March 18 to 9:30 a.m., plane time, March 21, 2005

Representative Neuman - from 7:00 a.m., March 19 to 9:30 a.m., plane time, March 21, 2005

Pursuant to AS 24.65.020, the Speaker made the following appointments to meet with appointees from the Senate to form the victims' advocate selection committee:

Representative Samuels
Representative Stoltze
Representative Berkowitz

The Committee will nominate a replacement for Stephen Branchflower, Director, Alaska Office of Victims' Rights.

HB 33

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 33

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

HB 33 is in the Judiciary Committee.

HJR 8

Representatives Harris, Hawker, Thomas, Seaton, Elkins, Rokeberg, Gara, Wilson, Croft, Ramras, Meyer, Foster, McGuire, Chenault, Neuman, Guttenberg, and Anderson added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 8

Expressing support of Alaska Army National Guard soldiers deployed worldwide.

HB 61

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 61

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

HB 101

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 101

"An Act relating to sex trafficking and tourism."

HB 220

Representatives Ramras, McGuire, and Lynn added their names as cosponsors to:

HOUSE BILL NO. 220

"An Act relating to mental health patient rights and to a hospital's duty to provide choice of the sex of staff providing intimate care to a mental health patient."

SB 60

Representatives Dahlstrom and Chenault added their names as cross sponsors to:

SENATE BILL NO. 60

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

SB 90

Representative Dahlstrom added her name as cross sponsor to:

CS FOR SENATE BILL NO. 90(STA)

"An Act relating to Alaska Territorial Guard Day."

ENGROSSMENT**HJR 8**

HJR 8 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 98

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

HOUSE CS FOR CS FOR SENATE BILL 98(FIN) am H

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

ENROLLMENT**HB 115**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 11:08 a.m., March 18, 2005:

SENATE CS FOR CS FOR HOUSE BILL NO. 115(FIN)

"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 following memorandum, dated March 17, 2005, was received from Patty Rose, Enrolling Secretary, Division of Legal and Research Services:

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest errors in SCS CSHB 115(FIN), which have been corrected in enrolling:

Page 3, line 17, following "principal":

Insert "of"

Page 6, line 21:

Delete "(d)""

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meeting today has been changed as indicated:

Resources Committee

CANCELLED:

1:00 p.m.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., March 21, 2005. There being no objection, the House adjourned at 11:03 a.m.

Suzi Lowell
Chief Clerk