

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Tuesday

March 22, 2005

Seventy-second Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:17 a.m.

Roll call showed 36 members present.

Representative Coghill moved and asked unanimous consent that Representatives Dahlstrom, Foster, Gruenberg, and Ramras be excused from a call of the House today. There being no objection, it was so ordered.

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

This is the first week of spring and for many this is also holy week.

As our days become longer and light becomes more present in our day-to-day lives, let us all take a moment to bow our heads in prayer to ask the Lord's light in guiding our decision making today.

Bless us as we gather today for this session. Guide our minds and hearts so that we will work for the good of our beloved state and help Your people. Teach us to be generous in our outlook, courageous in face of difficulty, and wise in our decisions.

Lord, we ask You to watch over our fellow Alaskans serving in the military and keep them from harm's way.

Protect our fishermen during this fishing season and give them a bountiful catch.

For all of this we pray to the Lord our God. Amen.

The Pledge of Allegiance was led by Representative Guttenberg.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 71st legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Chenault introduced Shanda and Miranda Chenault, Guest Pages, from Nikiski.

Representative Croft introduced Shannon Croft, Guest Page, from Anchorage.

MESSAGES FROM THE GOVERNOR

A letter dated March 21, 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 Health, Education & Social Services Committee:

Professional Teaching Practices Commission

Ms. Bonnie C. Gaborik - North Pole

Appointed: 3/9/2005 Term Expires: 3/1/2006

The Speaker referred the following to the Judiciary Committee:

Board of Governors of the Alaska Bar

Mr. Joseph N. Faulhaber - Fairbanks

Appointed: 7/29/2003 Reappointed: 3/9/2005

Term Expires: 3/1/2008

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

Alaska State Board of Public Accountancy

Ms. Carla J. Bassler - Anchorage

Appointed: 3/14/2005 Term Expires: 3/1/2009

Mr. Kenneth L. Mayer - Kenai

Appointed: 3/14/2005 Term Expires: 3/1/2009

Ms. Christy Morse - Anchorage

Appointed: 3/14/2005 Term Expires: 3/1/2009

State Board of Registration for Architects, Engineers, and Land Surveyors

Mr. Richard C. Heieren - Fairbanks

Appointed: 3/9/2005 Term Expires: 3/1/2009

Mr. Harley H. Hightower - Anchorage

Appointed: 3/9/2005 Term Expires: 3/1/2009

Mr. Mark G. Morris - Juneau

Appointed: 3/9/2005 Term Expires: 3/1/2009

Board of Barbers and Hairdressers

Ms. Alice B. Massie - Wasilla

Appointed: 2/14/2005 Term Expires: 3/1/2006

Alaska Labor Relations Agency

Mr. Gary A. Atwood - Fairbanks

Appointed: 3/9/2005 Term Expires: 3/1/2007

Mr. Aaron T. Isaacs, Jr. - Klawock
Appointed: 1/18/2002 Reappointed: 3/9/2005
Term Expires: 3/1/2008

Ms. Colleen E. Scanlon - Ketchikan
Appointed: 4/28/2003 Reappointed: 3/9/2005
Term Expires: 3/1/2008

Board of Nursing

Ms. Terri S. Olson - Anchorage
Appointed: 3/9/2005 Term Expires: 3/1/2009

Board of Psychologist and Psychological Associate Examiners

Ms. Camille O. Carlson - Fairbanks
Appointed: 3/9/2005 Term Expires: 3/1/2008

Ms. Destiny Sargeant - Juneau
Appointed: 3/9/2005 Term Expires: 3/1/2008

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

REPORTS OF STANDING COMMITTEES

HJR 15

The Resources Committee has considered:

HOUSE JOINT RESOLUTION NO. 15
Relating to open ocean aquaculture in the federal exclusive
economic zone.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 15(RES)
(same title)

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

Do pass (9): Olson, Kapsner, Gatto, Elkins, LeDoux, Crawford, Seaton, Ramras, Samuels

The following fiscal note(s) apply to CSHJR 15(RES):

1. Zero, Dept. of Fish & Game
2. Zero, Legislative Affairs Agency

HJR 15 was referred to the Rules Committee for placement on the calendar.

HB 27

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 27

"An Act relating to an optional exemption from municipal property taxes on certain residences of law enforcement officers."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 27(CRA)
(same title)

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

Do pass (4): Kott, Cissna, Thomas, Olson

No recommendation (3): Salmon, LeDoux, Neuman

The following fiscal note(s) apply to CSHB 27(CRA):

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

HB 27 was referred to the Finance Committee.

HB 88

The Finance Committee has considered:

HOUSE BILL NO. 88

"An Act relating to certain weapons offenses involving minors; to aggravating factors in sentencing for certain offenses committed against a school employee; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 88(FIN)

"An Act relating to certain weapons offenses involving minors; to aggravating factors in sentencing for certain offenses committed on school grounds, on a school bus, at a school-sponsored event, or in administrative offices of a school district; to mitigating factors in sentencing for a defendant's assistance to authorities to detect, apprehend, or prosecute other persons who committed an offense; and providing for an effective date."

The report was signed by Representative Stoltze, Vice-chair, with the following individual recommendations:

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

The following fiscal note(s) apply to CSHB 88(FIN):

3. Indeterminate, House Finance Committee/Dept. of Health & Social Services
4. Indeterminate, House Finance Committee/Dept. of Law

HB 88 was referred to the Rules Committee for placement on the calendar.

HB 136

The Judiciary Committee has considered:

HOUSE BILL NO. 136

"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."

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

Do pass (7): Anderson, Gruenberg, Kott, Dahlstrom, Coghill, Gara, McGuire

A Judiciary Committee letter of intent for HB 136, signed by Representative McGuire, Chair, follows:

"It is the intent of the Legislature that the Court System and Department of Law continue their practice with regard to the collection of unpaid fines for driving under the influence of alcohol. That practice is to pursue the payment of unpaid fines through a civil action by the Department of Law and not through revoking probation. It is also the intent of the Legislature to encourage the use of fines, wellness courts and interlock devices, when appropriate, as tools for addressing these crimes and those who commit them."

The following fiscal note(s) apply:

1. Zero, Dept. of Corrections
2. Zero, Alaska Court System
3. Zero, Dept. of Public Safety
4. Indeterminate, Dept. of Administration
5. Indeterminate, Dept. of Law
6. Indeterminate, Dept. of Law

HB 136 was referred to the Finance Committee.

HB 150

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 150

"An Act requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 150(L&C)
(same title)

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

Do pass (2): Lynn, Anderson

No recommendation (1): Crawford

Amend (2): Rokeberg, Kott

The following fiscal note(s) apply to CSHB 150(L&C):

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

HB 150 was referred to the Judiciary Committee.

HB 184

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 184
"An Act relating to firearms."

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

Do pass (3): Salmon, Neuman, Olson

Do not pass (1): Cissna

Amend (3): LeDoux, Kott, Thomas

The following fiscal note(s) apply:

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

HB 184 was referred to the Judiciary Committee.

REPORTS OF SPECIAL COMMITTEES**HB 166**

The House Special Committee on Military & Veterans' Affairs submitted the following report to correct the report submitted on March 18, 2005 (page 667):

HOUSE BILL NO. 166

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 166(MLV)

(same title)

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

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

The following fiscal note(s) apply to CSHB 166(MLV):

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

HB 166 is in the State Affairs Committee.

SB 98

The Conference Committee considering:

HOUSE CS FOR CS FOR SENATE BILL NO. 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."

and

CS FOR SENATE BILL NO. 98(FIN) am
(same title)

requests limited powers of free conference on the following specific point(s):

Section 2(a) - "The sum of \$6,450,000 is appropriated from the general fund to the Department of Commerce, Community, and Economic Development, division of community advocacy, for grants from the small municipality energy assistance program, for the fiscal year ending June 30, 2005, to the following cities and boroughs in the amounts stated. The grant awarded to each city or borough must be first used to repay any indebtedness of the city or borough to the bulk fuel revolving loan fund (AS 42.45.250). The amount of a grant remaining after repayment of any indebtedness of the city or borough to the bulk fuel revolving loan fund may be used by the city or borough for the purchase of fuel, utilities or insurance. The amount of the grant awarded to a city or borough is based upon 2003 population, with cities and boroughs with up to 99 residents receiving \$22,395.83, cities and boroughs with 100 - 600 residents receiving \$44,791.67, and cities and boroughs with 601 - 2,499 residents receiving approximately \$67,187."

The request was signed by Representatives Chenault (Chair), Meyer, Croft; and Senators Wilken (Chair), Green, Hoffman.

The Speaker granted the limited powers of free conference as requested.

The Chief Clerk notified the Senate.

INTRODUCTION OF CITATIONS

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

Honoring - Robert "Bob" Adkins
By Representative Harris

Honoring - Juneau "Downtown" Rotary Club 70th Year Anniversary
By Representatives Weyhrauch, Kerttula; Senator Elton

In Memoriam - Robert G. Boko
By Representatives Holm, Coghill, Salmon; Senator Wilken

In Memoriam - Knute Johnson
By Representative Thomas; Senator Kookesh

In Memoriam - Ruth Willard
By Representative Gruenberg; Senator Ellis

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 229

HOUSE BILL NO. 229 by Representatives Foster and Hawker,
entitled:

"An Act relating to the reinstatement of Native corporations; and
providing for an effective date."

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

HB 230

HOUSE BILL NO. 230 by Representative Thomas, entitled:

"An Act authorizing the making of loans for upgrade of
commercial fishing tender vessels and gear."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 108**

The following was read the second time:

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."

with the:	Journal Page
CRA RPT 2DP 3NR 1AM	288
FN1: ZERO(DEC)	289
FN2: (CED)	289
L&C RPT 1DP 3NR 3AM	350
FN1: ZERO(DEC)	351
FN2: (CED)	351
FN3:(LAW)	351
FIN RPT CS(FIN) NT 3DP 6NR	662
FN1: ZERO(DEC)	663
FN2: (CED)	663
FN3:(LAW)	663

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. 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."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 108(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 108(FIN) was read the third time.

Representative Gara moved and asked unanimous consent that CSHB 108(FIN) 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 Gara, Lynn, and Stoltze:

Page 2, line 29, following "practices":

Insert ", and which includes a role for a consumer advocate who will represent ratepayer interests in relation to rate setting proceedings"

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

Representative Rokeberg objected.

Amendment to Amendment No. 1 was offered by Representative Rokeberg:

Following "proceedings":

Insert "all unregulated water or sewer utilities shall establish a public body for rate setting as provided for in this subsection"

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

Objection was heard.

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

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 108(FIN)
Second Reading
Amendment No. 1

YEAS: 19 NAYS: 15 EXCUSED: 4 ABSENT: 2

Yeas: Berkowitz, Cissna, Crawford, Croft, Elkins, Gara, Gardner, Gatto, Guttenberg, Joule, Kapsner, Kerttula, Kott, Lynn, Neuman, Salmon, Stoltze, Thomas, Weyhrauch

Nays: Anderson, Chenault, Coghill, Harris, Hawker, Holm, Kelly, Kohring, LeDoux, McGuire, Meyer, Olson, Rokeberg, Samuels, Wilson

Excused: Dahlstrom, Foster, Gruenberg, Ramras

Absent: Moses, Seaton

Weyhrauch changed from "Nay" to "Yea".

And so, Amendment No. 1 was adopted.

The question being: "Shall CSHB 108(FIN) am pass the House?" The roll was taken with the following result:

CSHB 108(FIN) am
Third Reading
Final Passage

YEAS: 31 NAYS: 3 EXCUSED: 4 ABSENT: 2

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Elkins, Gara, Gardner, Guttenberg, Harris, Hawker, Holm, Joule, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Rokeberg, Salmon, Samuels, Thomas, Weyhrauch, Wilson

Nays: Gatto, Kapsner, Stoltze

Excused: Dahlstrom, Foster, Gruenberg, Ramras

Absent: Moses, Seaton

And so, CSHB 108(FIN) am 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.

CSHB 108(FIN) am was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would revert to:

REPORTS OF STANDING COMMITTEES

HB 116

The Judiciary Committee has considered:

HOUSE BILL NO. 116

"An Act relating to the liability of certain persons for entry and remaining on licensed premises."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 116(JUD)

"An Act relating to the liability of certain persons for certain violations of alcoholic beverages laws."

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

Do pass (7): Gruenberg, Anderson, Kott, Dahlstrom, Coghill, Gara, McGuire

The following fiscal note(s) apply to CSHB 116(JUD):

1. Zero, Dept. of Public Safety

HB 116 was referred to the Rules Committee for placement on the calendar.

UNFINISHED BUSINESS

Representative Coghill moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Moses - from 7:00 a.m., March 23 to 9:30 p.m., plane time, March 28, 2005

HB 122

The House Special Committee on Military & Veterans' Affairs submitted the following corrected fiscal note to replace a note by the Dept. of Military & Veterans' Affairs, published on March 21, 2005 (page 689):

2. Fiscal, Dept. of Military & Veterans' Affairs

for

CS FOR HOUSE BILL NO. 122(MLV)

"An Act relating to certain relief concerning motor vehicle leases, telephone services, education, utilities, state loans, and hunting, fishing, and trapping licenses for members of the Alaska National Guard deployed to a combat zone; to reimbursement of premiums for Servicemembers' Group Life Insurance paid by members of the Alaska National Guard deployed to a combat zone; and providing for an effective date."

HB 122 is in the Finance Committee.

HCR 4

Representative Crawford added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 4

Encouraging the establishment of a methamphetamine watch program.

HJR 8

Representative LeDoux added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 8

Expressing support of Alaska Army National Guard soldiers deployed worldwide.

HB 40

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 40

"An Act relating to medical benefits for retired peace officers after 20 years of credited service."

HB 116

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 116

"An Act relating to the liability of certain persons for entry and remaining on licensed premises."

HB 136

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 136

"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."

HB 140

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 140

"An Act establishing a tuition waiver and voucher program for eligible students who were placed in foster care by the state; and providing for an effective date."

HB 184

Representative Olson added his name as cosponsor to:

HOUSE BILL NO. 184
"An Act relating to firearms."

HB 220

Representative Kerttula added her name as cosponsor 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."

HB 224

Representative Crawford added his name as cosponsor to:

HOUSE BILL NO. 224
"An Act relating to the sale or securitization of certain of the state's oil taken as royalty."

ENGROSSMENT

HB 108

CSHB 108(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT

HJR 6

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 3:30 p.m., March 21, 2005:

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 following memorandum, dated March 18, 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 error in CSHJR 6(FSH), which has been corrected in enrolling:

Page 2, line 12:

Delete "Don Evans"

Insert "Carlos Gutierrez"

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meeting today has been changed as indicated:

House Special Committee on Education

CHANGED TO:

upon adj.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 23, 2005. There being no objection, the House adjourned at 11:48 a.m.

Suzi Lowell
Chief Clerk