

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

March 23, 2005

#### Seventy-third Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:18 a.m.

Roll call showed 35 members present. Representative Moses had been previously excused from a call of the House today. Representatives Kott and Rokeberg were absent and their presence was noted later.

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 Berkowitz - from today to 9:30 a.m., plane time, March 29, 2005

Representative Crawford - from today to 9:30 a.m., plane time, March 29, 2005

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

Heavenly Father, we give thanks for the democracy alive in our country and for the freedom to worship You. We bow our heads in prayer and ask that Your spirit be with us and also with our families. Bless us with wisdom, sound judgment, and compassion that through Your grace we may strive to do our business, considerate of those we are here to represent. We pray that our focus may always be to improve the

condition of all people. To do the business of this great state with honor, we ask humbly for Your blessings. We also pray that the spirit of our Lord will rest upon our troops as they defend our freedoms.

In the name of Jesus Christ we pray, Amen.

The Pledge of Allegiance was led by Representative Stoltze.

\* \* \* \* \*

Representative Kapsner introduced Zoey C. Macar, Guest Page, from Stony River.

### MESSAGES FROM THE GOVERNOR

#### **SB 14**

A message dated March 22, 2005, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CS FOR SENATE BILL NO. 14(STA)  
"An Act relating to municipal initiative and referendum elections."

Chapter No. 3, SLA 2005  
Effective Date: June 20, 2005

#### **SB 56**

A message dated March 22, 2005, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CONFERENCE CS FOR SENATE BILL NO. 56  
"An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date."

Chapter No. 2, SLA 2005  
Effective Date: March 23, 2005

\*The presence of Representative Rokeberg was noted.

### MESSAGES FROM THE SENATE

#### HB 1

A message dated March 22, 2005, was read stating the Senate has passed CSHB 1(HES) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 1(FIN)

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

CSHB 1(HES) is under Unfinished Business.

#### SB 98

A message dated March 22, 2005, was read stating the President has granted limited powers of free conference to the Senate members of 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)

The Speaker had previously granted the limited powers of free conference as requested (page 713).

A message dated March 22, 2005, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS**

**SB 51**

CS FOR SENATE BILL NO. 51(FIN) by the Senate Finance Committee, entitled:

"An Act relating to contracts for the provision of state public assistance to certain recipients in the state; providing for regional public assistance plans and programs in the state; relating to grants for Alaska Native family assistance programs; relating to assignment of child support by Alaska Native family assistance recipients; relating to paternity determinations and genetic testing involving recipients of assistance under Alaska Native family assistance programs; and providing for an effective date."

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

\*\*The presence of Representative Kott was noted.

**REPORTS OF STANDING COMMITTEES**

The Judiciary Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Ms. Terry L. Thurbon

as Chief Administrative Law Judge.

The report was signed by Representative McGuire, Chair; and Representatives Anderson, Dahlstrom, Coghill, and Gara.

**HB 114**

The State Affairs Committee has considered:

## HOUSE BILL NO. 114

"An Act relating to the retaining of certain privileges of a parent in a relinquishment and termination of a parent and child relationship proceeding; relating to eligibility for permanent fund dividends for certain children in the custody of the state; relating to child in need of aid proceedings and juvenile delinquency proceedings; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 114(STA)

"An Act relating to proceedings regarding voluntary relinquishments and terminations of a parent and child relationship; relating to eligibility for permanent fund dividends for certain children in the custody of the state; relating to child-in-need-of-aid proceedings, adoption proceedings, and juvenile delinquency proceedings; relating to findings in permanency hearings in child-in-need-of-aid proceedings; amending Rules 9 and 13, Alaska Adoption Rules, Rules 17.2 and 18, Child in Need of Aid Rules of Procedure, and Rules 14 and 15, Rules of Probate Procedure; and providing for an effective date."

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

Do pass (5): Gardner, Gatto, Elkins, Gruenberg, Seaton

No recommendation (2): Lynn, Ramras

The following fiscal note(s) apply to CSHB 114(STA):

1. Zero, Dept. of Health & Social Services

HB 114 was referred to the Health, Education & Social Services Committee.

**HB 120**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 120

"An Act relating to safety devices and sharp instruments for the prevention of the spread of bloodborne pathogens in health care employees; and providing for an effective date."

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

Do pass (4): Crawford, Lynn, Guttenberg, Anderson

No recommendation (2): LeDoux, Rokeberg

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services
2. Zero, Dept. of Labor & Workforce Development

HB 120 was referred to the Rules Committee for placement on the calendar.

**HB 187**

The Judiciary Committee has considered:

## HOUSE BILL NO. 187

"An Act establishing the Alaska capital income account within the Alaska permanent fund; relating to deposits into the account; relating to certain transfers regarding the Amerada Hess settlement to offset the effects of inflation on the Alaska permanent fund; and providing for an effective date."

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

Do pass (2): Anderson, McGuire

Do not pass (1): Dahlstrom

No recommendation (1): Coghill

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 187 was referred to the Finance Committee.

**HB 188**

The Judiciary Committee has considered:

HOUSE BILL NO. 188

"An Act establishing the State of Alaska Capital Corporation; authorizing the issuance of bonds by the State of Alaska Capital Corporation to finance capital improvements in the state; and providing for an effective date."

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

Do pass (2): Anderson, McGuire

No recommendation (2): Dahlstrom, Coghill

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue

HB 188 was referred to the Finance Committee.

**HB 219**

The Judiciary Committee has considered:

HOUSE BILL NO. 219

"An Act relating to crimes and dangerous instruments."

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

Do pass (5): Gruenberg, Kott, Gara, Dahlstrom, McGuire

The following fiscal note(s) apply:

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

HB 219 was referred to the Finance Committee.

### REPORTS OF SPECIAL COMMITTEES

#### **SB 98**

The Conference Committee with limited powers of free conference considering HCS CSSB 98(FIN) am H and CSSB 98(FIN) am recommends the following be adopted:

#### CONFERENCE CS FOR SENATE BILL NO. 98

"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."

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

The report was received in the Chief Clerk's Office at 12:50 p.m., March 22, 2005, and distributed to all members.

Representative Coghill moved that the House adopt the Conference Committee report, thus adopting CCS SB 98.

Representative Rokeberg placed a call of the House.

The call was satisfied.

The question being: "Shall the House adopt the Conference Committee report?" The roll was taken with the following result:



CCS SB 98  
Adopt Conference Committee Report

**YEAS: 29 NAYS: 8 EXCUSED: 3 ABSENT: 0**

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

Nays: Croft, Gara, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Salmon

Excused: Berkowitz, Crawford, Moses

And so, the House adopted the Conference Committee report, thus adopting CCS SB 98.

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 clauses. There being no objection, it was so ordered.

Representative Coghill moved that the appropriation in Section 17 from the constitutional budget reserve fund (Article IX, Section 17(c), Constitution of the State of Alaska) be adopted.

The question being: "Shall the House adopt the appropriation in Section 17 from the constitutional budget reserve fund (Article IX, Section 17(c), Constitution of the State of Alaska)?" The roll was taken with the following result:

CCS SB 98  
Adopt Conference Committee Report  
Constitutional Budget Reserve Appropriation

**YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0**

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

Excused: Berkowitz, Crawford, Moses

Salmon changed from "Nay" to "Yea".

And so, the constitutional budget reserve fund appropriation was adopted.

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 - Juneau-Douglas High School Softball Team, 2004 State Champions

By Representatives Weyhrauch, Kerttula; Senator Elton

Honoring - Jonathan Weindel, 2005 Prudential Spirit of Community Award

By Senator Ben Stevens; Representative Rokeberg

In Memoriam - Ken Christensen

By Representative Coghill

In Memoriam - H. Harvey Samuelsen

By Senator Hoffman

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

#### HB 231

HOUSE BILL NO. 231 by Representative Wilson, entitled:

"An Act relating to the definition of 'municipality' for purposes of human services community matching grants."

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

**HB 232**

HOUSE BILL NO. 232 by Representative Coghill, entitled:

"An Act relating to property crimes."

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

**HB 233**

HOUSE BILL NO. 233 by Representatives Salmon and Cissna, entitled:

"An Act relating to preventing harassment, intimidation, or bullying in public schools; and providing for an effective date."

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

**HB 234**

HOUSE BILL NO. 234 by the House Special Committee on Oil and Gas, entitled:

"An Act relating to the due date for the payment of oil and gas royalty and net profit shares and amending the rate of interest payable on royalties or net profit shares."

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

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 19**

The following was read the second time:

HOUSE BILL NO. 19

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

with the:	Journal Page
RES RPT CS(RES) 5DP 4NR	460
FN1: (DEC)	460
FIN RPT CS(FIN) 4DP 1DNP 5NR	660
FN2: (H.FIN/DEC)	660

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. 19(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 19(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 19(FIN) was read the third time.

The question being: "Shall CSHB 19(FIN) pass the House?" The roll was taken with the following result:

CSHB 19(FIN)  
Third Reading  
Final Passage

**YEAS: 33 NAYS: 3 EXCUSED: 3 ABSENT: 1**

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

Nays: Coghill, Holm, Kohring

Excused: Berkowitz, Crawford, Moses

Absent: Kelly

And so, CSHB 19(FIN) 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 19(FIN) was referred to the Chief Clerk for engrossment.

## SECOND READING OF HOUSE RESOLUTIONS

### HJR 15

The following was read the second time:

#### HOUSE JOINT RESOLUTION NO. 15

Relating to open ocean aquaculture in the federal exclusive economic zone.

with the:	Journal Page
FSH RPT CS(FSH) 4DP	579
FN1: ZERO(DFG)	579
FN2: ZERO(LEG)	579
RES RPT CS(RES) 9DP	708
FN1: ZERO(DFG)	709
FN2: ZERO(LEG)	709

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original resolution:

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

There being no objection, it was so ordered.

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

CSHJR 15(RES) was read the third time.

The question being: "Shall CSHJR 15(RES) pass the House?" The roll was taken with the following result:

CSHJR 15(RES)  
Third Reading  
Final Passage

**YEAS: 35 NAYS: 0 EXCUSED: 3 ABSENT: 2**

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

Excused: Berkowitz, Crawford, Moses

Absent: Cissna, Kelly

And so, CSHJR 15(RES) 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 - Robert "Bob" Adkins

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

Honoring - Juneau "Downtown" Rotary Club 70th Year Anniversary

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

In Memoriam - Robert G. Boko

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

In Memoriam - Knute Johnson

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

In Memoriam - Ruth Willard

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

#### UNFINISHED BUSINESS

Representative Coghill moved and asked unanimous consent that Representatives Anderson, Chenault, Cissna, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, and Wilson be excused from a call of the House from noon, today to 9:30 a.m., plane time, March 29, 2005. There being no objection, it was so ordered.

#### HB 209

The Speaker waived the Community & Regional Affairs Committee referral for the following at the request of Representative Olson, Co-chair:

**HOUSE BILL NO. 209**

"An Act establishing the Aviation Advisory Board; and providing for an effective date."

HB 209 was removed from the Community & Regional Affairs Committee and referred to the Transportation Committee.

**HJR 9**

Representative Guttenberg added his name as cosponsor to:

**HOUSE JOINT RESOLUTION NO. 9**

Urging the United States Congress to honor the process and judgment of the federal courts in the case of the Exxon Valdez disaster and to refrain from enacting legislation that would affect the outcome of the courts' resolution of the case.

**HB 19**

Representative Dahlstrom added her name as cosponsor to:

**CS FOR HOUSE BILL NO. 19(FIN)**

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

**HB 91**

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

**HOUSE BILL NO. 91**

"An Act relating to indecent exposure."

**HB 120**

Representative Crawford added his name as cosponsor to:

**HOUSE BILL NO. 120**

"An Act relating to safety devices and sharp instruments for the prevention of the spread of bloodborne pathogens in health care employees; and providing for an effective date."

**HB 132**

Representative Dahlstrom added her name as cosponsor to:



## HOUSE BILL NO. 132

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

**HB 155**

Representative Dahlstrom added her name as cosponsor to:

## CS FOR HOUSE BILL NO. 155(JUD)

"An Act relating to funding for youth courts; and relating to separately accounting for fines imposed on and collected from defendants."

**HB 219**

Representatives McGuire, Gara, Dahlstrom, and Kott added their names as cosponsors to:

## HOUSE BILL NO. 219

"An Act relating to crimes and dangerous instruments."

**HB 225**

Representative Dahlstrom added her name as cosponsor to:

## HOUSE BILL NO. 225

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

**ENGROSSMENT****HJR 15**

CSHJR 15(RES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 19**

CSHB 19(FIN) 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 9:00 a.m., March 24, 2005, for a technical session. There being no objection, the House adjourned at 11:53 a.m.

Suzi Lowell  
Chief Clerk