

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Friday

April 1, 2005

#### Eighty-second Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:22 a.m.

Roll call showed 36 members present. Representative Cissna had been previously excused from a call of the House today. Representatives Croft and Samuels were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Kerttula be excused from a call of the House from today to 2:00 p.m., plane time, April 10, 2005. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Major Larry Fankhauser of The Salvation Army. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Good Morning Lord:

I would pray for each representative here and ask that Your wisdom and spirit would be upon them. As we come to the end of another week, I would pray that we would look back and know we have done our best to meet those tasks and responsibilities that are ours.

If they are able to spend time with family and friends over the weekend, help them to put aside their concerns and enjoy the time.

Lord, I would also lift up to You the Pope and fellow believers as they go through these difficult days. Continue to give him peace and the assurance that You are there.

Thank You that in all things this day we can find in You all that is needed. Amen.

The Pledge of Allegiance was led by Representative Olson.

### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 80th and 81st legislative days and Senate and House Joint Journal Supplement No. 5 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

A letter dated March 29, 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 positions noted.

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

#### **Board of Veterinary Examiners**

Alfred Agree - Trapper Creek

Appointed: 3/23/2005 Term Expires: 3/1/2008

Timothy L. Bowser, D.V.M. - Soldotna

Appointed: 2/19/2003 Term Expires: 3/1/2008

Cynthia Ann Trout, D.V.M. - Anchorage

Appointed: 3/23/2005 Term Expires: 3/1/2008

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

**Alaska Oil and Gas Conservation Commission**

Ms. Cathy P. Foerster - Anchorage

Appointed: 3/23/2005 Term Expires: 3/1/2007

The Speaker referred the following to the State Affairs Committee:

**State Commission for Human Rights**

Mr. Randy H. Eledge - Anchorage

Appointed: 3/18/2005 Term Expires: 3/1/2006

Ms. M. Chris Hayes - Fairbanks

Appointed: 3/18/2005 Term Expires: 3/1/2010

Mr. Lester C. Lunceford - Whittier

Appointed: 2/19/2003 Reappointed: 3/18/2005

Term Expires: 3/1/2010

Ms. Barbara J. (Tamie) Miller - Wasilla

Appointed: 3/18/2005 Term Expires: 3/1/2009

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

**MESSAGES FROM THE SENATE****HB 1**

A message dated March 31, 2005, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 1(HES)

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

namely:

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

The President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Wilken, Chair  
Senator Green  
Senator Hoffman

The House members of the Conference Committee are Representatives Meyer (Chair), Chenault, and Gara (page 780).

A message dated March 31, 2005, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS**

**SB 129**

CS FOR SENATE BILL NO. 129(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to the wrongful recording of a notice of pendency of an action relating to title to or right to possession of real property."

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

**COMMUNICATIONS**

Letters of disclosure, as required by AS 24.60, were published in House Journal Supplement No. 2 and House and Senate Joint Journal Supplement No. 6.

**REPORTS OF STANDING COMMITTEES**

**HJR 9**

The Resources Committee has considered:

## 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.

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

Do pass (6): Olson, Elkins, LeDoux, Crawford, Ramras, Samuels

The following fiscal note(s) apply:

1. Zero, Legislative Agency

HJR 9 was referred to the Judiciary Committee.

**HB 31**

The Health, Education & Social Services Committee has considered:

## SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 31

"An Act relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain occupations."

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

Do pass (2): Anderson, McGuire

Do not pass (1): Wilson

No recommendation (1): Kohring

The following fiscal note(s) apply:

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

SSHB 31 was referred to the Finance Committee.

**HB 75**

The Finance Committee has considered:

HOUSE BILL NO. 75

"An Act relating to promoting and preserving sport hunting in the state."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 75(FIN)

"An Act relating to the powers and duties of the commissioner of fish and game, Board of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and trapping in the state."

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

Do pass (5): Holm, Kelly, Foster, Stoltze, Meyer

No recommendation (3): Hawker, Joule, Chenault

The following fiscal note(s) apply to CSHB 75(FIN):

1. Zero, Dept. of Fish & Game

HB 75 was referred to the Rules Committee for placement on the calendar.

**HB 88**

The Rules 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(RLS)

"An Act relating to certain weapons offenses involving minors; relating to the definition of 'recreation or youth center' for purposes of misconduct involving a controlled substance; 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 Rokeberg, Chair, with the following individual recommendations:

Do pass (5): Harris, Coghill, McGuire, Kohring, Rokeberg

No recommendation (1): Berkowitz

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

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

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

**HB 95**

The Rules Committee has considered:

## HOUSE BILL NO. 95

"An Act relating to public health and public health emergencies and disasters; relating to duties of the public defender and office of public advocacy regarding public health matters; relating to certain claims for public health matters; making conforming amendments; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 95(RLS)

"An Act relating to the duties of the Department of Health and Social Services as those duties pertain to public health and public health emergencies and disasters; relating to medical treatment, information, isolation and quarantine for the prevention and management of conditions of public health importance; relating to duties of the public defender and office of public advocacy regarding public health emergencies and disasters; relating to liability for actions arising from public health procedures; making conforming amendments; relating to the treatment and transportation of dead bodies; amending Rules 4, 7, 8, 38, 40, 65, 72, and 77, Alaska Rules of Civil Procedure; and providing for an effective date."

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

Do pass (3): Harris, McGuire, Rokeberg

No recommendation (2): Coghill, Kohring

Amend (1): Berkowitz

The following fiscal note(s) apply to CSHB 95(RLS):

1. Zero, Dept. of Health & Social Services

HB 95 was returned to the Rules Committee for placement on the calendar.

**HB 127**

The Finance Committee has considered:

## HOUSE BILL NO. 127

"An Act relating to service in the peace corps and to service as a diplomat in the United States Foreign Service as allowable absences from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain

misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 127(FIN)

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

The report was signed by Representative Meyer, Co-chair, with the following individual recommendations:

Do pass (7): Hawker, Stoltze, Joule, Croft, Moses, Foster, Meyer

No recommendation (1): Kelly

The following fiscal note(s) apply to CSHB 127(FIN):

1. Zero, Dept. of Revenue

HB 127 is on today's calendar.

**HB 128**

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 128

"An Act establishing the Alaska Schools Physical Activity Task Force."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 128(HES)

(same title)

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

Do pass (5): Cissna, Gardner, McGuire, Seaton, Wilson

No recommendation (2): Anderson, Kohring

The following fiscal note(s) apply to CSHB 128(HES):

1. Zero, Dept. of Education & Early Development
2. Zero, Legislative Agency

HB 128 was referred to the Finance Committee.

### **HB 147**

The Labor & Commerce Committee has considered:

#### HOUSE BILL NO. 147

"An Act relating to the regulation of insurance, insurance licensing, surplus lines, insurer deposits, motor vehicle service contracts, guaranteed automobile protection products, health discount plans, third-party administrators, self-funded multiple employer welfare arrangements, and self-funded governmental plans; and providing for an effective date."

and recommends it be replaced with:

#### CS FOR HOUSE BILL NO. 147(L&C)

"An Act relating to the regulation of insurance, insurance licensing, surplus lines, insurer deposits, owner controlled and contractor controlled insurance programs, health discount plans, third-party administrators, and self-funded multiple employer welfare arrangements; and providing for an effective date."

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

Do pass (1): Anderson

No recommendation (5): Crawford, Lynn, Kott, LeDoux, Guttenberg

The following fiscal note(s) apply to CSHB 147(L&C):

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

HB 147 was referred to the Finance Committee.

**HB 198**

The Resources Committee has considered:

HOUSE BILL NO. 198

"An Act relating to aquatic farming; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 198(RES)  
(same title)

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

Do pass (4): Olson, Elkins, Crawford, Samuels

No recommendation (3): Kapsner, LeDoux, Ramras

Amend (1): Gatto

The following fiscal note(s) apply to CSHB 198(RES):

1. Zero, Dept. of Fish & Game

HB 198 was referred to the Rules Committee for placement on the calendar.

**HB 210**

The Judiciary Committee has considered:

## HOUSE BILL NO. 210

"An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 210(JUD)  
(same title)

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

Do pass (6): Kott, Anderson, Dahlstrom, Gara, Gruenberg, McGuire

The following fiscal note(s) apply to CSHB 210(JUD):

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

HB 210 was referred to the Finance Committee.

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

**HB 214**

The State Affairs Committee has considered:

## HOUSE BILL NO. 214

"An Act relating to anatomical gifts and the anatomical gift donor registry program."

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

Do pass (3): Ramras, Elkins, Seaton

Amend (2): Lynn, Gatto

The following fiscal note(s) apply:

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Dept. of Public Safety
3. Fiscal, Dept. of Health & Social Services

HB 214 was referred to the Health, Education & Social Services Committee.

**HB 225**

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 225

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

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

Do pass (5): Anderson, Kohring, McGuire, Seaton, Wilson

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

HB 225 was referred to the Finance Committee.

**HB 229**

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 229

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

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

Do pass (4): LeDoux, Salmon, Olson, Thomas

The following fiscal note(s) apply:

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

HB 229 was referred to the Finance Committee.

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

### REPORTS OF SPECIAL COMMITTEES

#### **HB 208**

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

HOUSE BILL NO. 208

"An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain an Alaskan veterans' cemetery; and establishing the Alaska veterans' cemetery fund in the general fund."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 208(MLV)

"An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain Alaskan veterans' cemeteries; and establishing the Alaska veterans' cemetery fund in the general fund."

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

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

The following fiscal note(s) apply to CSHB 208(MLV):

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

HB 208 was referred to the State Affairs Committee.

**HB 224**

The House Special Committee on Oil & Gas has considered:

HOUSE BILL NO. 224

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

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

Do not pass (1): Rokeberg

No recommendation (5): Gardner, Samuels, Dahlstrom, McGuire, Kohring

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Natural Resources

HB 224 was referred to the Resources Committee.

**HB 230**

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 230

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

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:

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

HB 230 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 - Bill Stockwell

By Representative Gara

Honoring - Dr. Peter Wilkniss, Polar Scientist

By Representative Berkowitz

Honoring - Alaskan Athletes of the 2005 Special Olympics World Winter Games

By Representative Lynn

Honoring - The Borealis Bullseyes Junior Olympic Rifle Team

By Representative Meyer

In Memoriam - Lydia L. Mack

By Representative Moses

In Memoriam - W.I. "Bob" Palmer

By Representatives Weyhrauch, Kerttula; Senator Elton

In Memoriam - Harold Oluf Fossum

By Representatives Weyhrauch, Kerttula; Senator Elton

In Memoriam - Elva R. Scott

By Senator Kookesh

In Memoriam - Sally Woods Evans Hudson

By Senator Kookesh

In Memoriam - George Alan Pikus

By Senator Gary Stevens; Representative LeDoux

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE RESOLUTIONS****HJR 2**

SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION  
NO. 2 by Representative Hawker:

Proposing amendments to the Constitution of the State of Alaska creating and relating to the gas revenue endowment fund, relating to deposits to the fund, limiting appropriations from the fund based on an averaged percent of the fund market value, relating to deposits to the permanent fund, and relating to deposits to the budget reserve fund.

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

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 241**

HOUSE BILL NO. 241 by Representative Wilson, entitled:

"An Act relating to participation in matters before the Board of Fisheries by members of the board; and providing for an effective date."

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

**HB 242**

HOUSE BILL NO. 242 by Representative Crawford, entitled:

"An Act relating to the deposit of certain penalties collected under the unemployment insurance program; requiring an employing unit with a change in ownership, management, or control to notify the Department of Labor and Workforce Development of the ownership change; regarding the unemployment contribution rate of an employing unit; and defining 'business' for purposes of statutes setting unemployment contribution rates; establishing the

crime of obtaining an unemployment rate by deception; and providing for an effective date."

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

**HB 243**

HOUSE BILL NO. 243 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the maximum annual regulatory cost charge collected from certain regulated public utilities and pipeline carriers; and providing for an effective date."

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

The following fiscal note(s) apply:

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

The Governor's transmittal letter dated March 30, 2005, follows:

"Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the calculation of the annual regulatory cost charge for public utilities and pipeline carriers within the jurisdiction of the Regulatory Commission of Alaska (RCA).

Currently, the operations of the RCA are financed through a regulatory cost charge collected from regulated public utilities and pipeline carriers in accordance with AS 42.05.254 and AS 42.06.286, which, under existing statute, may not exceed .7 percent of the total adjusted gross revenue applicable to the regulated public utility and pipeline carrier sectors. The bill would increase that percentage to .9 percent for the fiscal years beginning July 1, 2005, July 1, 2006, and July 1, 2007, to finance certain information system improvements within the RCA. The improvements include the implementation of a case management system, a time management system, and an interactive

RCA website that would allow regulated entities to electronically file forms and pleadings on-line.

Because it is anticipated that the information system improvements will result in lower operating costs for the RCA, the bill would then reduce that .9 percent maximum regulatory cost charge to the previous .7 percent level for the fiscal year beginning July 1, 2008, and for subsequent fiscal years. This bill would not change the existing maximum for the portion of the regulatory cost charge that finances operations of the public advocacy function under AS 42.04.070(c) and AS 44.23.020(e) within the Department of Law.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor"

**HB 244**

HOUSE BILL NO. 244 by Representative Berkowitz, entitled:

"An Act establishing the Health Court Task Force; and providing for an effective date."

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

**HB 245**

HOUSE BILL NO. 245 by the House Special Committee on Military and Veterans' Affairs, entitled:

"An Act relating to registration and license plate fees for Purple Heart recipients, prisoners of war, Congressional Medal of Honor recipients, and spouses of current prisoners of war."

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

**HB 246**

HOUSE BILL NO. 246 by the House Judiciary Committee, entitled:

"An Act requiring a member to opt into a class action; and amending Rule 23(c), Alaska Rules of Civil Procedure."

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

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 116**

The following was read the second time:

HOUSE BILL NO. 116

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

with the:	Journal Page
STA RPT CS(STA) NT 3DP 2DNP 1AM	478
FN1: ZERO(DPS)	479
JUD RPT CS(JUD) NT 7DP	719
FN1: ZERO(DPS)	719

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. 116(JUD)

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

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 116(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 116(JUD) was read the third time.

Representatives Elkins, Ramras, Rokeberg, and Gara moved and asked unanimous consent that they be allowed to abstain from voting because of a conflict of interest. Objection was heard, and the members were required to vote.

The question being: "Shall CSHB 116(JUD) pass the House?" The roll was taken with the following result:

CSHB 116(JUD)

Third Reading

Final Passage

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

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

Nays: Elkins, Holm, Ramras

Excused: Cissna, Kerttula

And so, CSHB 116(JUD) passed the House and was referred to the Chief Clerk for engrossment.

### **HB 127**

The following was read the second time:

#### HOUSE BILL NO. 127

"An Act relating to service in the peace corps and to service as a diplomat in the United States Foreign Service as allowable absences from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

with the: Journal Page

STA RPT CS(STA) NT 5DP	563
FN1: ZERO(REV)	564
FIN RPT CS(FIN) NT 7DP 1NR	794
FN1: ZERO(REV)	795

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. 127(FIN)

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

Representative Gruenberg objected and withdrew the objection. There being no further objection, it was so ordered.

Amendment No. 1 was offered by Representative Berkowitz:

Page 3, line 1:

Insert a new paragraph to read:

**"(15) serving in Antarctica with or through the United States Antarctic Program;"**

Re-number the following paragraph accordingly.

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

Representative Samuels objected.

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

CSHB 127(FIN)  
Second Reading  
Amendment No. 1

**YEAS: 15 NAYS: 22 EXCUSED: 2 ABSENT: 1**

Yeas: Berkowitz, Crawford, Croft, Gara, Gruenberg, Guttenberg, Hawker, Joule, Kapsner, Kohring, LeDoux, Moses, Salmon, Seaton, Thomas

Nays: Anderson, Chenault, Coghill, Dahlstrom, Elkins, Foster, Gardner, Gatto, Harris, Holm, Kelly, Kott, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Wilson

Excused: Cissna, Kerttula

Absent: Weyhrauch

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Gara:

Page 3, line 1:

Insert a new paragraph to read:

**"(15) serving as a diplomat in the United States Foreign Services;"**

ReNUMBER the following paragraph accordingly.

Representative Gara moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Ramras objected.

Representative Lynn moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Lynn was required to vote.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 127(FIN)  
Second Reading  
Amendment No. 2

**YEAS: 8 NAYS: 29 EXCUSED: 2 ABSENT: 1**

Yeas: Berkowitz, Crawford, Gara, Guttenberg, Joule, Kapsner, Moses, Salmon

Nays: Anderson, Chenault, Coghill, 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, Wilson

Excused: Cissna, Kerttula

Absent: Weyhrauch

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was offered by Representative Croft:

Page 1, line 1, following "**peace corps**" (title amendment):  
Insert "**and Olympians and national-team athletes**"

Page 1, line 1 (title amendment):  
Delete "**as an allowable absence**"  
Insert "**as allowable absences**"

Page 3, line 1:  
Insert a new paragraph to read:  
**"(15) because of their duties training or competing as an Olympian or national-team athlete;"**

Page 2, line 29:  
Delete "**(15)**"  
Insert "**(16)**"

Page 3, line 5:  
Delete "**(14)**"  
Insert "**(15)**"

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Page 3, line 8:

Delete "**(14)**"Insert "**(15)**"

Page 3, line 11:

Delete "**(14)**"Insert "**(15)**"

Page 3, line 12:

Delete "**(14)**"Insert "**(15)**"

Page 3, line 14:

Delete "**(14)**"Insert "**(15)**"

Renumber the following paragraph accordingly.

Representative Croft moved and asked unanimous consent that Amendment No. 3 be adopted.

Objection was heard.

Amendment No. 1 to Amendment No. 3 was offered by Representative McGuire:

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

Delete "**and national-team athletes**"

Under Page 3, line 1:

Delete "**or national-team athlete**"

Representative McGuire moved and asked unanimous consent that Amendment No. 1 to Amendment No. 3 be adopted. There being no objection, it was so ordered.

Amendment No. 2 to Amendment No. 3 as amended was offered by Representatives Gruenberg and McGuire:

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

Delete "**Olympians**"

Insert "**members of the United States Olympic Team**"

Under Page 3, line 1:

Delete "**an Olympian**"

Insert "**a member of the United States Olympic Team**"

Representative Gruenberg moved and asked unanimous consent that Amendment No. 2 to Amendment No. 3 as amended be adopted. There being no objection, it was so ordered.

The question being: "Shall Amendment No. 3 as amended be adopted?" The roll was taken with the following result:

CSHB 127(FIN)

Second Reading

Amendment No. 3 as amended

**YEAS: 28 NAYS: 5 EXCUSED: 2 ABSENT: 5**

Yeas: Berkowitz, Chenault, Crawford, Croft, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Joule, Kapsner, Kelly, Kohring, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas

Nays: Coghill, Dahlstrom, Harris, Hawker, Holm

Excused: Cissna, Kerttula

Absent: Anderson, Foster, Kott, Weyhrauch, Wilson

And so, Amendment No. 3 as amended was adopted, and the new title follows:

CS FOR HOUSE BILL NO. 127(FIN) am

"An Act relating to service in the peace corps and members of the United States Olympic Team as allowable absences from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other

actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that CSHB 127(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 127(FIN) am was read the third time.

The question being: "Shall CSHB 127(FIN) am pass the House?" The roll was taken with the following result:

CSHB 127(FIN) am  
Third Reading  
Final Passage

**YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1**

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

Excused: Cissna, Kerttula

Absent: Weyhrauch

And so, CSHB 127(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 127(FIN) am was referred to the Chief Clerk for engrossment.

## **SECOND READING OF SENATE RESOLUTIONS**

### **SJR 6**

The following was read the second time:

## SENATE JOINT RESOLUTION NO. 6

Relating to a reduction in the Federal Medical Assistance Percentage for Alaskans, and urging the United States Congress to take action to prevent the reduction.

with the:	Journal Page
FIN RPT HCS(FIN) 4DP 2NR	603
FN1: ZERO(HSS)	603
FN2: ZERO(HSS)	603
FN3: ZERO(HSS)	603
FN4: ZERO(HSS)	603

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

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 6(FIN)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Berkowitz:

Page 2, line 3:

Delete "600,000"

Insert "650,000"

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted.

Amendment No. 2 was offered by Representative Berkowitz:

Page 3, line 19, insert:

**"FURTHER RESOLVED** that passage of this resolution is contingent upon legislative approval of a base student allocation of not less than \$4,919 unencumbered by any contingency."

April 1, 2005

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Representative Berkowitz moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Rokeberg objected and rose to a point of order, stating that the amendment was not in order.

The Speaker ruled that the amendment was in order.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

HCS SJR 6(FIN) am H  
Second Reading  
Amendment No. 2

**YEAS: 8 NAYS: 25 EXCUSED: 2 ABSENT: 5**

Yeas: Berkowitz, Crawford, Elkins, Gardner, Gruenberg, Guttenberg, Moses, Salmon

Nays: Chenault, Coghill, Croft, Dahlstrom, Foster, Gara, Gatto, Harris, Hawker, Joule, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Olson, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Cissna, Kerttula

Absent: Anderson, Holm, Kapsner, Neuman, Ramras

And so, Amendment No. 2 was not adopted.

Representative Coghill moved and asked unanimous consent that HCS SJR 6(FIN) am H be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

HCS SJR 6(FIN) am H will advance to third reading on the April 4, 2005, calendar.

**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 - Michael Dunlevy

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

Honoring - Kotzebue High School's Battle of the Books Team

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

In Memoriam - Lila Rozak

By Senator Wagoner; Representatives Olson, Chenault, Harris, Anderson, Berkowitz, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, LeDoux, McGuire, Meyer, Neuman, 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 Ramras - from noon, April 1 to 9:30 a.m., plane time, April 4, 2005

Representative Kohring - from noon, April 1 to 9:30 p.m., plane time, April 4, 2005

Representative Crawford - from 7:00 a.m., April 2 to 9:30 a.m., plane time, April 4, 2005

**HB 128**

The Speaker waived the Finance Committee referral for the following at the request of Representative Meyer, Co-chair:

HOUSE BILL NO. 128

"An Act establishing the Alaska Schools Physical Activity Task Force."

HB 128 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

**HJR 5**

The Speaker waived the Labor & Commerce Committee referral for the following at the request of Representative Kott, Vice Chair:

HOUSE JOINT RESOLUTION NO. 5

Opposing imposition of a milk tax on Alaskans.

HJR 5 was removed from the Labor & Commerce Committee and referred to the Rules Committee for placement on the calendar.

**HJR 5**

Representative Neuman added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 5

Opposing imposition of a milk tax on Alaskans.

**HB 75**

Representatives Stoltze, Holm, Foster, Meyer, and Croft added their names as cosponsors to:

HOUSE BILL NO. 75

"An Act relating to promoting and preserving sport hunting in the state."

**HB 109**

Representative Dahlstrom added her name as cosponsor to:

## HOUSE BILL NO. 109

"An Act relating to establishing a screening, tracking, and intervention program related to the hearing ability of newborns and infants; providing an exemption to licensure as an audiologist for certain persons performing hearing screening tests; relating to insurance coverage for newborn and infant hearing screening; and providing for an effective date."

**HB 127**

Representative LeDoux added her name as cosponsor to:

## CS FOR HOUSE BILL NO. 127(FIN) am

"An Act relating to service in the peace corps and members of the United States Olympic Team as allowable absences from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

**HB 133**

Representative Thomas added his name as cosponsor to:

## SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 133

"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."

**HB 214**

Representative Samuels added his name as cosponsor to:

## HOUSE BILL NO. 214

"An Act relating to anatomical gifts and the anatomical gift donor registry program."

**HB 226**

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 226

"An Act relating to breaches of security involving personal information; and relating to credit report security freezes."

**ENGROSSMENT****HB 116**

CSHB 116(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 127**

CSHB 127(FIN) am 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 11:00 a.m., April 4, 2005. There being no objection, the House adjourned at 12:09 p.m.

Suzi Lowell  
Chief Clerk