

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

April 11, 2005

Ninety-second Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:13 a.m.

Roll call showed 29 members present. Representatives Berkowitz, Joule, Kapsner, and Salmon had been previously excused from a call of the House today. Representatives Guttenberg, Kelly, Kott, Seaton, and Weyhrauch were absent and their presence was noted later. Representative Cissna was absent.

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

The invocation was sung by the Chaplain, Pastor Jason Stasyszen of the Church for All Nations. Representative Gardner moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

A Time Like No Other
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Stasyszen. All rights reserved.)

To the weak and the poor, to the young and the old
To the broken, the battered, and abused
To the warrior so strong, to the ones who carry on
We're all reaching for the fruit of our faith
With man these things are not possible
But nothing is impossible with God

This is a time like no other
The Spirit of God declares in this place
This is a time like no other
Your glory and grace poured out like the rain
He who has an ear let him hear
This is a time like no other

This is the greatest moment in history
You have prepared us for victory
You've given power and authority
The time is at hand, at hand

The Pledge of Allegiance was led by Representative Foster.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 89th, 90th, and 91st legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

SB 98

The following letter was dated April 7, 2005, and received April 8, 2005:

"Dear Speaker Harris:

On this date I signed with line item vetoes the following bill passed by the first session of the Twenty-fourth Alaska State Legislature and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

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."

Chapter No. 6, SLA 2005
[Effective Date: See Chapter]

I appreciate the Legislature's prompt action in approving the "fast track" supplemental and for funding a number of the administration's priorities. This will enable important services to continue without disruption to the citizens of our state.

A key commitment I made last fall was to increase funding for Alaska's schools and to make that commitment early so districts would have predictability in planning for the upcoming school year. I was pleased to see the Legislature agree to include K-12 funding for Fiscal Year 2006 in this legislation even though the actual amount of increase still hinges on resolving differences in another piece of legislation.

Based on my review of CCS SB 98, I have vetoed the following for the reasons described:

Section 4 (h) Mt. Edgecumbe boarding school - \$200,000

This funding is in addition to the \$600,000 to meet the room and board costs for 30 additional Mt. Edgecumbe students enrolled this year. As explained in testimony before the House Finance Committee, the administration had agreed to provide the additional \$200,000 needed and no formal appropriation by the Legislature was necessary.

Section 7 (a) – (c), (e), (f) Gas Pipeline - \$22,170,000

The Legislature appropriated a majority of the funding for work on the gasline to the Legislative Budget and Audit Committee instead of directly to the state agencies that are responsible for execution of the Stranded Gas Act. This raises a significant concern. First, by giving a legislative committee power to contract with executive agencies to provide services that are necessary to execute the law, the legislative committee is exercising executive power by supervising those agencies during

their execution of the law. This violates the separation of powers doctrine that is implicit in Alaska's Constitution that gives the power to execute law to the executive branch.

A second concern is that with record high oil prices we should continue to use traditional sources of funding to meet these needs. It is for these reasons I have vetoed these appropriations.

Section 7 (d) – Gas Pipeline - \$1,525,000

I have vetoed the use of non-general fund earnings as a fund source for this appropriation to the Department of Natural Resources for gas pipeline work. I believe we should be using the more traditional fund source of the general fund to support these efforts.

Section 8 - Office of the Governor ANWR Advocacy - \$125,000

I am concerned that a non-traditional fund source has been used to support these advocacy efforts and as a result, I have vetoed that fund source.

Because of the importance of these issues, I will submit to the Legislature another request to fund the department's gasline work and ANWR advocacy. I will request that funds be appropriated directly to the departments responsible and accountable for implementation of the Stranded Gas Act and that the funding come from the state's general fund.

Key issues remain during the final weeks of this legislative session. I look forward to working with the Legislature in not only meeting today's obligations but achieving our mutual expectations for a bright future.

Sincerely yours,

/s/

Frank H. Murkowski
Governor"

MESSAGES FROM THE SENATE**HB 124**

A message dated April 8, 2005, was read stating the Senate has passed:

HOUSE BILL NO. 124 am

"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes."

with the following amendment and it is transmitted for consideration:

SENATE CS FOR HOUSE BILL NO. 124(JUD)

"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes; and providing for an effective date."

(technical title change)

HB 124 am is under Unfinished Business.

A message dated April 8, 2005, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SJR 12**

CS FOR SENATE JOINT RESOLUTION NO. 12(JUD) by the Senate Judiciary Committee:

Requesting the United States Senate to move quickly to a majority floor vote of the United States Senate on all nominations by President George W. Bush to the United States Supreme Court.

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

REPORTS OF STANDING COMMITTEES

The Labor & Commerce Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Ms. Carla J. Bassler
Mr. Kenneth L. Mayer
Mr. Max E. Mertz
Ms. Christy Morse
Ms. Catherine L. Wilson

as members of the Alaska State Board of Public Accountancy.

Mr. Richard C. Heieren
Mr. Harley H. Hightower
Mr. Mark G. Morris

as members of the State Board of Registration for Architects, Engineers, and Land Surveyors.

Ms. Alice B. Massie

as a member of the Board of Barbers and Hairdressers.

Mr. Gary A. Atwood
Mr. Aaron T. Isaacs, Jr.
Ms. Colleen E. Scanlon

as members of the Alaska Labor Relations Agency.

Mrs. Kerry L. Rasmussen
Ms. Martha Swink

as members of the Board of Marital and Family Therapy.

Ms. Terri S. Olson

as a member of the Board of Nursing.

Ms. Camille O. Carlson
Ms. Destiny Sargeant

as members of the Board of Psychologist and Psychological Associate Examiners.

Mr. Anthony A. Price

as a member of the Regulatory Commission of Alaska (RCA).

Alfred Agree
Timothy L. Bowser, D.V.M.
Cynthia Ann Trout, D.V.M.

as members of the Board of Veterinary Examiners.

The reports were signed by Representative Kott, Vice Chair; and Representatives Crawford, Lynn, Guttenberg, and Rokeberg.

**The presence of Representative Kott was noted.

HB 33

The Judiciary Committee has considered:

HOUSE BILL NO. 33

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 33(JUD)

"An Act relating to regulations that may govern the conduct of small businesses; and providing for an effective date."

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

Do pass (3): Gara, Anderson, McGuire

No recommendation (3): Gruenberg, Kott, Coghill

The following fiscal note(s) apply to CSHB 33(JUD):

1. Zero, Dept. of Administration
2. Indeterminate, Dept. of Public Safety
3. Fiscal, Dept. of Health & Social Services
4. Fiscal, Dept. of Labor & Workforce Development
5. Fiscal, Dept. of Natural Resources
6. Fiscal, Office of the Governor/All Depts.

HB 33 was referred to the Finance Committee.

HB 149

The Finance Committee has considered:

HOUSE BILL NO. 149

"An Act relating to further regulation of the sale, possession, and delivery of certain chemicals and precursors used in the manufacture of methamphetamine."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 149(FIN)

"An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date."

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

Do pass (10): Hawker, Croft, Holm, Stoltze, Kelly, Weyhrauch, Foster, Moses, Meyer, Chenault

The following fiscal note(s) apply to CSHB 149(FIN):

1. Zero, Alaska Court System
2. Zero, Dept. of Law
3. Indeterminate, Dept. of Administration
4. Indeterminate, Dept. of Corrections
6. Zero, Dept. of Commerce, Community, & Economic Development

HB 149 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Seaton was noted.

HB 208

The State Affairs Committee 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 Seaton, Chair, with the following individual recommendations:

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

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

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

HB 208 was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES**HB 251**

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 251

"An Act authorizing the Board of Fisheries to adopt regulations regarding fishing by a person who holds two entry permits for a salmon fishery."

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

Do pass (3): Wilson, Harris, Elkins

No recommendation (1): Thomas

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

HB 251 was referred to the Resources Committee.

HB 256

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 256

"An Act naming the Ruth Burnett Sport Fish Hatchery in Fairbanks."

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

Do pass (4): Harris, Wilson, Elkins, Thomas

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

HB 256 was referred to the Resources Committee.

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

HB 267

HOUSE BILL NO. 267 by Representative Neuman, entitled:

"An Act authorizing credit in a public correspondence study program for privately purchased curriculum materials from a religious institution."

was read the first time and referred to the House Special Committee on Education and the Health, Education & Social Services Committee.

**The presence of Representatives Kelly and Guttenberg was noted.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 120

The following was read the second time:

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."

with the:

Journal Page

HES RPT 4DP 1NR	427
FN1: ZERO(HSS)	427
FN2: ZERO(LWF)	427
L&C RPT 4DP 2NR	729
FN1: ZERO(HSS)	730
FN2: ZERO(LWF)	730

Representative Coghill moved and asked unanimous consent that HB 120 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 120 will advance to third reading on tomorrow's calendar.

HB 131

The following was read the second time:

HOUSE BILL NO. 131

"An Act increasing the criminal classification of theft of an access device and of obtaining an access device or identification documents by fraudulent means; increasing the criminal classification for certain cases of fraudulent use of an access device; and providing for an effective date."

with the:	Journal Page
JUD RPT 4DP 2NR	685
FN1: ZERO(COR)	686
FN2: ZERO(LAW)	686
FN3: ZERO(DPS)	686
FN4: INDETERMINATE(ADM)	686
FIN RPT 5DP 2NR	861
FN1: ZERO(COR)	861
FN2: ZERO(LAW)	861
FN3: ZERO(DPS)	861
FN4: INDETERMINATE(ADM)	861

Representative Coghill moved and asked unanimous consent that HB 131 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 131 will advance to third reading on tomorrow's calendar.

HB 132

The following was read the second time:

HOUSE BILL NO. 132

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

with the:	Journal Page
JUD RPT CS(JUD) NT 4DP 1NR	502
FN1: ZERO(LAW)	503
FN2: ZERO(DPS)	503
FN3: INDETERMINATE(COR)	503
FN4: (ADM)	503
FIN RPT CS(JUD) NT 6DP 1NR	861
FN1: ZERO(LAW)	862
FN2: ZERO(DPS)	862
FN3: INDETERMINATE(COR)	862
FN5: (ADM)	862
FN6: (CRT)	862

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. 132(JUD)

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

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 132(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 132(JUD) will advance to third reading on tomorrow's calendar.

HB 136

The following was read the second time:

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."

with the:	Journal Page
JUD RPT 7DP	710
LETTER OF INTENT WITH JUD REPORT	711
FN1: ZERO(COR)	711
FN2: ZERO(CRT)	711
FN3: ZERO(DPS)	711
FN4: INDETERMINATE(ADM)	711
FN5: INDETERMINATE(LAW)	711
FN6: INDETERMINATE(LAW)	711
FIN RPT 9DP	928
JUD LETTER OF INTENT WITH FIN REPORT	928
FN1: ZERO(COR)	928
FN2: ZERO(CRT)	928
FN3: ZERO(DPS)	928
FN4: INDETERMINATE(ADM)	928
FN5: INDETERMINATE(LAW)	928
FN6: INDETERMINATE(LAW)	928

Representative Coghill moved and asked unanimous consent that HB 136 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 136 will advance to third reading on tomorrow's calendar.

**The presence of Representative Weyhrauch was noted.

HOUSE BILLS IN SECOND READING**HB 184**

The following, which was held in second reading from the April 8, 2005, calendar (page 941), was again before the House:

HOUSE BILL NO. 184

"An Act relating to firearms."

Representative Coghill moved and asked unanimous consent that HB 184 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 184 will advance to third reading on tomorrow's 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 - Madeline Soboleff Levy

By Representatives Kerttula, Weyhrauch, Harris, Anderson, Berkowitz, Cissna, Crawford, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Joule, Kapsner, Kott, LeDoux, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Thomas, Wilson; Senator Elton

Honoring - Judge Peter B. Froehlich

By Representatives Kerttula, Weyhrauch, Harris, Anderson, Berkowitz, Cissna, Crawford, Elkins, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Joule, Kapsner, Kelly, Kott, LeDoux, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Thomas, Wilson; Senator Elton

CONCUR IN SENATE AMENDMENTS**HB 124**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 959) on the following:

HOUSE BILL NO. 124 am

"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes."

and

SENATE CS FOR HOUSE BILL NO. 124(JUD)

"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes; and providing for an effective date."

(technical title change)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to HB 124 am, thus adopting SCS HB 124(JUD), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to HB 124 am?" The roll was taken with the following result:

SCS HB 124(JUD)

Concur

YEAS: 32 NAYS: 0 EXCUSED: 5 ABSENT: 3

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

Excused: Berkowitz, Joule, Kapsner, LeDoux, Salmon

Absent: Cissna, Dahlstrom, Moses

And so, the House concurred in the Senate amendment, thus adopting SCS HB 124(JUD).

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.

The Chief Clerk notified the Senate.

SCS HB 124(JUD) was referred to the Chief Clerk for enrollment.

UNFINISHED BUSINESS

HB 109

Representative Stoltze added his 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 208

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

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."

HB 251

Representative Elkins added his name as cosponsor to:

HOUSE BILL NO. 251

"An Act authorizing the Board of Fisheries to adopt regulations regarding fishing by a person who holds two entry permits for a salmon fishery."

HB 256

Representative Elkins added his name as cosponsor to:

HOUSE BILL NO. 256

"An Act naming the Ruth Burnett Sport Fish Hatchery in Fairbanks."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 12, 2005. There being no objection, the House adjourned at 12:05 p.m.

Suzi Lowell
Chief Clerk