HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

April 25, 2005

One Hundred Sixth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:12 a.m.

Roll call showed 31 members present. Representatives Croft and Seaton had been previously excused from a call of the House today. Representatives Anderson, Berkowitz, Crawford, Gara, Guttenberg, and Kott were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Stoltze be excused from a call of the House from today to 9:30 a.m., plane time, May 2, 2005. There being no objection, it was so ordered.

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

Lord God of heaven and earth, we call upon You in humility and faith. Come upon the representatives of Your people of Alaska as they convene for another week of business. We call upon Your guidance in their deliberations and affairs today. May their proposals and enactments strengthen our hope for a better life and world, and help us to live according to Your will every day of our lives. Amen.

The Pledge of Allegiance was led by Representative Holm.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 103rd, 104th, and 105th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated April 22, 2005, was read stating the Senate has accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., May 5 to consider confirmation of the Governor's appointments.

HB 32

A message dated April 22, 2005, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 32(FIN) am

"An Act making a special appropriation for a grant to Arctic Power to promote the opening of the Arctic National Wildlife Refuge for oil and gas exploration and development; and providing for an effective date."

CSHB 32(FIN) am was referred to the Chief Clerk for enrollment.

HB 185

A message dated April 22, 2005, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 185(FIN)

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

CSHB 185(FIN) was referred to the Chief Clerk for enrollment.

HB 66

A message dated April 22, 2005, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 66(FIN)

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 66(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 Chenault (Chair), Meyer, and Croft (page 1132).

HB 67

A message dated April 22, 2005, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 67(FIN)(brf sup maj fld)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 67(FIN)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and 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."

(technical title change)

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 Chenault (Chair), Meyer, and Croft (page 1133).

A message dated April 22, 2005, was read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SJR 16

SENATE JOINT RESOLUTION NO. 16 by Senators Therriault, Wilken, Green, Bunde, Cowdery, Huggins, Dyson, Wagoner, Seekins, Stedman, Gary Stevens, and Ben Stevens:

Supporting legislation before the United States Congress that reaffirms the right of the states to regulate hunting and fishing.

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

**The presence of Representative Crawford was noted.

FIRST READING AND REFERENCE OF SENATE BILLS

SB 144

CS FOR SENATE BILL NO. 144(RES) by the Senate Resources Committee, entitled:

"An Act relating to regulations, definitions, and permits under the emission control permit program; and providing for an effective date."

was read the first time and referred to the Resources and Finance Committees

SB 147

CS FOR SENATE BILL NO. 147(FIN) by the Senate Finance Committee, entitled:

"An Act providing for a sport fishing facility surcharge on sport fishing licenses; providing for the construction and renovation of state sport fishing facilities and for other projects beneficial to the sport fish resources of the state as a public enterprise; and authorizing the issuance of revenue bonds to finance those projects."

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

**The presence of Representatives Berkowitz and Anderson was noted.

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Representative Kerttula introduced Dylan Kubley, Guest Page, from Juneau.

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

REPORTS OF STANDING COMMITTEES

The Health, Education & Social Services Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Ms. Esther Cox Ms. Shirley Holloway

as members of the Board of Education and Early Development.

Ms. Bonnie C. Gaborik

as a member of the Professional Teaching Practices Commission.

The reports were signed by Representative Wilson, Chair; and Representatives Cissna, Kohring, and McGuire.

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

Ms. Cathy P. Foerster Mr. Daniel Seamount

as members of the Alaska Oil and Gas Conservation Commission.

The reports were signed by Representative Samuels, Co-chair; and Representatives Olson, Elkins, LeDoux, and Crawford.

HB 7

The Finance Committee has considered:

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HOUSE BILL NO. 7
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"An Act relating to the calculation and payment of unemployment compensation benefits; and providing for an effective date."

and recommends it be replaced with:

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CS FOR HOUSE BILL NO. 7(FIN) (same title)
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The report was signed by Representative Chenault, Co-chair, with the following individual recommendations:

Do pass (7): Hawker, Holm, Croft, Stoltze, Joule, Kelly, Chenault

The following fiscal note(s) apply to CSHB 7(FIN):

- 2. Fiscal, Dept. of Administration/All Depts.
- 3. Zero, Dept. of Labor & Workforce Development
- 4. Fiscal, Dept. of Administration/All Depts.

HB 7 was referred to the Rules Committee for placement on the calendar.

HB37

The Resources Committee has considered:

HOUSE BILL NO. 37

"An Act relating to public access to fishing streams."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 37(RES)

"An Act relating to voluntary land trades and purchases to enhance public access to fishing streams."

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

Do pass (2): Elkins, Crawford

No recommendation (3): Olson, Samuels, LeDoux

The following fiscal note(s) apply to CSHB 37(RES):

- 1. Zero, Dept. of Fish & Game
- 2. Fiscal, Dept. of Natural Resources

HB 37 was referred to the Finance Committee.

HB 86

The State Affairs Committee has considered:

HOUSE BILL NO. 86

"An Act establishing in the office of the ombudsman a state executive branch employee fraud, waste, and abuse report hotline program."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 86(STA)

"An Act establishing in the office of the ombudsman a public employee fraud, waste, and abuse report hotline program."

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

Do pass (4): Gardner, Lynn, Gruenberg, Seaton

No recommendation (1): Elkins

The following fiscal note(s) apply to CSHB 86(STA):

- 1. Zero, Dept. of Administration
- 2. Fiscal, Legislative Agency

HB 86 was referred to the Judiciary Committee.

HB 101

The Finance Committee has considered:

HOUSE BILL NO. 101

"An Act relating to sex trafficking and tourism."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 101(JUD)

"An Act relating to sex tourism."

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

Do pass (9): Hawker, Holm, Croft, Joule, Stoltze, Moses, Kelly, Meyer, Chenault

The following fiscal note(s) apply to CSHB 101(JUD):

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

HB 101 was referred to the Rules Committee for placement on the calendar

HB 187

The Finance 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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 187(FIN)

"An Act relating to money deposited into the Alaska permanent fund as a result of the settlement of State v. Amerada Hess; relating to the Alaska capital income fund and to deposits of income from State v. Amerada Hess settlement money into the Alaska capital income fund; and providing for an effective date."

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

Do pass (2): Foster, Meyer

No recommendation (6): Hawker, Joule, Moses, Holm, Kelly, Chenault

The following fiscal note(s) apply to CSHB 187(FIN):

1. Zero, Dept. of Revenue

HB 187 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Kott was noted.

HB 218

The Resources Committee has considered:

HOUSE BILL NO. 218

"An Act relating to cost recovery fisheries for private nonprofit hatchery facilities."

and recommends it be replaced with:

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CS FOR HOUSE BILL NO. 218(RES) (same title)
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The report was signed by Representative Samuels, Co-chair, with the following individual recommendations:

Do pass (2): Crawford, Elkins

No recommendation (3): LeDoux, Olson, Samuels

The following fiscal note(s) apply to CSHB 218(RES):

- 1. Zero, Dept. of Commerce, Community, & Economic Development
- 2. Zero, Dept. of Fish & Game
- 3. Zero, Dept. of Public Safety
- 4. Indeterminate, Dept. of Revenue

HB 218 was referred to the Rules Committee for placement on the calendar.

HB 251

The Resources Committee has considered:

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HOUSE BILL NO. 251
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"An Act authorizing the Board of Fisheries to adopt regulations regarding fishing by a person who holds two entry permits for a salmon fishery."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 251(RES) (same title)

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

Do pass (4): Elkins, LeDoux, Ramras, Samuels

No recommendation (2): Olson, Crawford

The following fiscal note(s) apply to CSHB 251(RES):

1. Zero, Dept. of Fish & Game

HB 251 was referred to the Rules Committee for placement on the calendar.

HB 257

The Judiciary Committee has considered:

HOUSE BILL NO. 257

"An Act relating to a procurement and electronic commerce tools program for state departments and instrumentalities of the state; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 257(JUD)

"An Act relating to and extending the pilot program for state procurement and electronic commerce tools; 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 (5): Gruenberg, Kott, Dahlstrom, Coghill, Gara

The following fiscal note(s) apply to CSHB 257(JUD):

- 1. Zero, Alaska Court System
- 2. Indeterminate, Dept. of Administration/All Depts.

HB 257 was referred to the Finance Committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 21

HOUSE JOINT RESOLUTION NO. 21 by Representative Lynn:

Supporting the reliance of courts on the Constitution of the United States.

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 216

The following was read the second time:

HOUSE BILL NO. 216

"An Act relating to insurance rate-making and form filing."

with the:	Journal Page
L&C RPT CS(L&C) 3DP 3NR	838
FN1: ZERO(CED)	838
FIN RPT CS(L&C) 4DP 2NR	1156
FN1: ZERO(CED)	1157

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. 216(L&C) (same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 216(L&C) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 216(L&C) will advance to third reading on tomorrow's calendar.

SECOND READING OF SENATE BILLS

SB 63

The following was read the second time:

SENATE BILL NO. 63

"An Act relating to road signs encouraging the use of safety belts."

with the:	Journal Page
TRA RPT 4DP 2NR	933
FN1: INDETERMINATE(DOT)	934
FIN RPT 5DP 2NR	1157
FN1: INDETERMINATE(DOT)	1157

Representative Coghill moved and asked unanimous consent that SB 63 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 63 was read the third time.

The question being: "Shall SB 63 pass the House?" The roll was taken with the following result:

SB 63 Third Reading Final Passage

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

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

Excused: Croft, Seaton, Stoltze

And so, SB 63 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

THIRD READING OF HOUSE BILLS

HB 133

The following, which was advanced to third reading from the April 22, 2005, calendar (page 1228), was read the third time:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 133(JUD)

"An Act relating to incorporation of boroughs, to annexation by local action, 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."

Representative Coghill moved and asked unanimous consent that CSSSHB 133(JUD) 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 Coghill, Gruenberg, and Salmon:

Page 1, lines 7 - 9:

Delete all material.

Insert "(a) After providing public notice of each proposed amendment or condition and an opportunity for public comment, the [THE] Local Boundary Commission may amend the petition and may impose conditions on the incorporation. If the commission determines that the incorporation, as amended or conditioned if appropriate, meets"

Representative Coghill 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.

The question being: "Shall CSSSHB 133(JUD) am pass the House?" The roll was taken with the following result:

CSSSHB 133(JUD) am Third Reading Final Passage

YEAS: 35 NAYS: 1 EXCUSED: 3 ABSENT: 1

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

Nays: Dahlstrom

Excused: Croft, Seaton, Stoltze

Absent: Rokeberg

And so, CSSSHB 133(JUD) 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.

CSSSHB 133(JUD) am was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Coghill moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

Honoring - Dawn Brettrager, Colony High School Swim Coach By Senator Green; Representatives Stoltze, Gatto, Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Thomas, Weyhrauch, Wilson

UNFINISHED BUSINESS

HB 71

The Speaker stated that, without objection, reconsideration (page 1232) of the following be held one legislative day:

CS FOR HOUSE BILL NO. 71(FIN)

"An Act extending and amending the requirements applicable to the credit that may be claimed for certain oil and gas exploration expenses incurred in Cook Inlet against oil and gas properties production (severance) taxes, and amending the credit against those taxes for certain exploration expenditures from leases or properties in the state; and providing for an effective date."

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 Kerttula - from 8:30 a.m. to noon, April 26, 2005

HCR 6

The Speaker added a Finance Committee referral for the following:

HOUSE CONCURRENT RESOLUTION NO. 6

Relating to the continuation of the Alaska Information Infrastructure Policy Task Force until the first day of the First Regular Session of the Twenty-Fifth Alaska State Legislature in January 2007.

HCR 6 was removed from the Rules Committee and referred to the Finance Committee.

HB 86

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 86

"An Act establishing in the office of the ombudsman a state executive branch employee fraud, waste, and abuse report hotline program."

HB 86 is in the Judiciary Committee.

HB 218

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 218

"An Act relating to cost recovery fisheries for private nonprofit hatchery facilities."

HB 218 was removed from the Rules Committee and referred to the Finance Committee.

HB 173

The House Special Committee on Education submitted a corrected committee substitute for their report (page 1220). The following bill is being reprinted today:

CS FOR HOUSE BILL NO. 173(EDU)

"An Act relating to school funding and adjusting the district cost factors; and providing for an effective date."

HB 173 is in the Finance Committee.

HB 26

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 26

"An Act relating to short-term commercial fishing crewmember licenses; and providing for an effective date."

HB 53

Representative Anderson added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53

"An Act relating to child-in-need-of-aid proceedings: amending the construction of statutes pertaining to children in need of aid; relating to a duty and standard of care for services to children and families, to the confidentiality of investigations, court hearings, and public agency records and information in child-in-need-of-aid matters and certain child protection matters, to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters, to the retention of certain privileges of a parent in a relinquishment and termination of a parent and child relationship proceeding, to eligibility for permanent fund dividends for certain children in the custody of the state, and to juvenile delinquency proceedings and placements; establishing a right to a trial by jury in termination of parental rights proceedings; reestablishing and relating to state citizens' review panels for certain child protection and custody matters; amending the duty to disclose information pertaining to a child in need of aid; authorizing additional family members to consent to disclosure of confidential or privileged information about children and families involved with children's services within the Department of Health and Social Services to officials for review or use in official capacities; relating to reports of harm and to adoptions and foster care; mandating reporting of the medication of children in state custody; prescribing the rights of grandparents related to child-in-need-of-aid cases and establishing a grandparent priority for adoption in certain child-in-need-of-aid cases; modifying adoption and placement procedures in certain child-in-need-of-aid cases; amending treatment requirements for parents involved in child-in-need-of-aid proceedings; amending Rules 9 and 13, Alaska Adoption Rules;

amending Rules 3, 18, and 22, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

HB 101

Representatives Joule, Hawker, and Holm added their names as cosponsors to:

HOUSE BILL NO. 101

"An Act relating to sex trafficking and tourism."

HB 133

Representative Neuman added his name as cosponsor to:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 133(JUD) am

"An Act relating to incorporation of boroughs, to annexation by local action, 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 213

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 213

"An Act relating to alcohol server education."

SB 63

Representative LeDoux added her name as cross sponsor to:

SENATE BILL NO. 63

"An Act relating to road signs encouraging the use of safety belts."

SB 155

Representative Kott added his name as cross sponsor to:

CS FOR SENATE BILL NO. 155(FIN)

"An Act making appropriations from the earnings reserve account for construction of an integrated science complex at the University

of Alaska in Anchorage, for replacement of the virology laboratory in Fairbanks, for expansion of the Anchorage Museum of History and Art, for the major maintenance grant fund, and for other capital projects related to education; and providing for an effective date."

ENGROSSMENT

HB 123

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

CS FOR HOUSE BILL NO. 123(RLS) am

"An Act relating to occupational licensing fees, fines, and penalties and to regulatory board fines; extending the termination dates of the Boards of Barbers and Hairdressers, Social Work Examiners, Pharmacy, Professional Counselors, Psychologist and Psychological Associate Examiners, and Veterinary Examiners; relating to psychologist licensing by credentials; relating to an exemption that allows one bill to continue more than one board, commission, or agency program; and providing for an effective date."

HB 133

CSSSHB 133(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT

HCR 2

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 10:44 a.m., April 25, 2005:

HOUSE CONCURRENT RESOLUTION NO. 2

Urging Governor Murkowski to take quick action to conduct, approve, or sanction a study of in-state natural gas needs and take-

off points for intrastate use of natural gas transported in a North Slope natural gas pipeline.

ANNOUNCEMENTS

With the appointment of a Conference Committee on the operating budget, Rule 23(d) of the Uniform Rules is in effect as of April 19, 2005. Submit written notice of a meeting by 4:00 p.m. to the Chief Clerk's office for publication in the next day's committee schedule.

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 26, 2005. There being no objection, the House adjourned at 12:24 p.m.

Suzi Lowell Chief Clerk