

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

May 2, 2005

#### One Hundred Thirteenth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:15 a.m.

Roll call showed 33 members present. Representatives Anderson, Crawford, Gara, Kerttula, Kohring, Rokeberg, and Weyhrauch were absent and their presence was noted later.

The invocation was offered by the Chaplain, the Reverend George Silides of Holy Trinity Episcopal Church. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

In deepest respect for the religious beliefs of each person here, I invite you into a time of prayer and reflection. Let us pray.

With gratitude for the opportunity of this day and the service of the gentlefolk here gathered, I pray: O God, our heavenly Father, You have blessed us and given us responsibility for all the earth. Increase our respect for the mystery of life, and give us new knowledge into Your purposes for the human race, and new wisdom and determination for making provision for our future according to Your will, for You have so linked our lives with one another that all we do affects, for good or ill, all other lives. So guide us in the work we do, that we may do it not for ourselves alone, but for the common good. Make us mindful of the dreams of others, and arouse our concern for those who are out of work - for You are merciful - that we might learn mercy. Help us to remember the homeless, the poor, the old and the sick, and all those who

have none to care for them. Help us to put in place the means to heal those who are broken in body or spirit and to help turn their sorrow into joy. A blessing upon this day and this legislature, I pray. Amen.

The Pledge of Allegiance was led by Representative Neuman.

### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 111th and 112th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE SENATE**

#### **HCR 7**

A message dated May 1, 2005, was read stating the Senate has passed:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RES)  
Urging the governor to direct the division of oil and gas, Department of Natural Resources, to undertake a comprehensive review of the subject of Cook Inlet oil and gas platform abandonment for the purpose of developing new oil and gas platform abandonment regulations and their adoption and implementation.

CSHCR 7(RES) was referred to the Chief Clerk for enrollment.

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

### **REPORTS OF STANDING COMMITTEES**

#### **HB 13**

The Finance Committee has considered:

HOUSE BILL NO. 13  
"An Act relating to reimbursement of municipal bonds for school construction; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 13(FIN)

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

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

Do pass (6): Joule, Weyhrauch, Croft, Moses, Foster, Chenault

No recommendation (4): Hawker, Holm, Kelly, Meyer

The following fiscal note(s) apply to CSHB 13(FIN):

1. Indeterminate, Dept. of Education & Early Development
2. Fiscal, Dept. of Education & Early Development

HB 13 was referred to the Rules Committee for placement on the calendar.

**HB 271**

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 271

"An Act relating to limitations on overtime for registered nurses in health care facilities; 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 (3): LeDoux, Rokeberg, Kott

The following fiscal note(s) apply:

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

HB 271 was referred to the Health, Education & Social Services Committee.

**HB 286**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 286

"An Act amending the manner of determining the royalty received by the state on gas production by directing the commissioner of natural resources to accept, under certain circumstances, the transfer price of the gas if established by transfer price order of the Regulatory Commission of Alaska; and providing for an effective date."

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

Do pass (5): Crawford, Lynn, Kott, Rokeberg, Anderson

No recommendation (2): LeDoux, Guttenberg

The following fiscal note(s) apply:

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

HB 286 was referred to the Rules Committee for placement on the calendar.

**SB 67**

The Finance Committee submitted the following report to correct the report submitted on April 28, 2005, (page 1324) for:

## CS FOR SENATE BILL NO. 67(JUD)(efd fld)

"An Act relating to claims for personal injury or wrongful death against health care providers."

and recommends it be replaced with:

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

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

Do pass (3): Foster, Hawker, Kelly

Do not pass (1): Croft

No recommendation (5): Moses, Weyhrauch, Joule, Meyer, Chenault

The following fiscal note(s) apply to HCS CSSB 67(FIN):

1. Zero, Dept. of Law
2. Zero, Dept. of Commerce, Community, & Economic Development
3. Indeterminate, Dept. of Health & Social Services

CSSB 67(JUD)(efd fld) is in the Rules Committee.

**SB 137**

The Labor & Commerce Committee has considered:

SENATE BILL NO. 137

"An Act providing that an institution providing accommodations exempt from the provisions of the Uniform Residential Landlord and Tenant Act may evict tenants without resorting to court proceedings under AS 09.45.060 - 09.45.160."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 137(L&C)

"An Act providing that the University of Alaska may evict a tenant from student housing that is exempt from the provisions of the Uniform Residential Landlord and Tenant Act without resorting to court proceedings under AS 09.45.060 - 09.45.160."

(pending title change resolution)

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

Do pass (3): Lynn, Kott, Rokeberg

No recommendation (4): Crawford, LeDoux, Guttenberg, Anderson

The following fiscal note(s) apply to HCS SB 137(L&C):

1. Zero, Dept. of Law

SB 137 was referred to the Judiciary Committee.

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

**SB 141**

The Finance Committee has considered:

CS FOR SENATE BILL NO. 141(FIN)

"An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date."

and recommends it be replaced with a forthcoming House Finance Committee substitute.

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

Do pass (2): Kelly, Foster

No recommendation (5): Joule, Stoltze, Moses, Meyer, Chenault

Amend (2): Hawker, Weyhrauch

The following fiscal note(s) apply to HCS CSSB 141(FIN):

1. Fiscal, Dept. of Administration
3. Fiscal, Dept. of Revenue
4. Fiscal, Dept. of Revenue
5. Fiscal, Dept. of Revenue
6. Fiscal, Dept. of Revenue
7. Fiscal, Dept. of Revenue
9. Zero, House Finance Committee/Dept. of Administration
10. Fiscal, Dept. of Administration

Representative Berkowitz objected to CSSB 141(FIN) being sent to the Rules Committee without an analysis attached to the House Finance Committee report and cited AS 24.08.036.

\*\*The presence of Representatives Kohring, Rokeberg, Kerttula, Weyhrauch, and Gara was noted.

The Speaker stated that, without objection, the House would recess to 12:20 p.m.; and so, the House recessed at 11:56 a.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 1:15 p.m.

**REPORTS OF STANDING COMMITTEES**  
(continued)**SB 141**

Representative Berkowitz withdrew the objection (page 1421).

The Speaker stated that, without objection, CSSB 141(FIN) would be returned to the Finance Committee. And so, CSSB 141(FIN) was removed from the Rules Committee and returned to the Finance Committee.

**SB 158**

The Labor & Commerce Committee has considered:

## SENATE BILL NO. 158

"An Act prohibiting the imposition of municipal sales and use taxes on state construction contracts and certain subcontracts; and providing for an effective date."

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

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

No recommendation (3): Kott, LeDoux, Guttenberg

The following fiscal note(s) apply:

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

SB 158 was referred to the Finance Committee.

**INTRODUCTION OF CITATIONS**

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

Honoring - Larry Jacobson

By Representatives Stoltze, Neuman, Gatto, Kohring; Senators Green, Huggins



Honoring - Homer Hockey Association  
By Representative Seaton

In Memoriam - John D. Nash  
By Representatives Stoltze, Neuman, Gatto, Kohring, Harris; Senators  
Huggins, Green

In Memoriam - Lucille "Mollie" Buswell  
By Representatives Kohring, Gatto, Neuman, Stoltze; Senators Green,  
Huggins

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

**HB 295**

HOUSE BILL NO. 295 by Representative Anderson, entitled:

"An Act adopting the Uniform Fraudulent Transfer Act and  
relating to fraudulent transfers of property."

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

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE BILLS**

**HB 217**

The following was read the second time:

HOUSE BILL NO. 217

"An Act relating to the determination of full and true value of  
taxable municipal property for purposes of calculating funding for  
education and certain other programs."

with the:

Journal Page

CRA RPT 1DP 6NR	1277
FN1: ZERO(CED)	1277
FIN RPT 4DP 5NR	1399
FN1: ZERO(CED)	1399

Amendment No. 1 (title amendment) was offered by Representatives Samuels and Harris:

Page 1, line 2:

Delete all material.

Insert "**property for purposes of providing planning assistance to the Department of Education and Early Development and the legislature, calculating funding for education, calculating school district participating shares for school construction grants, and calculating tax resource equalization payments and excluding from that determination the value of property in certain areas detached from a municipality and the value of certain property involved with oil and gas that is not taxed by a municipality.**"

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

Representative Berkowitz objected and withdrew the objection. There being no further objection, Amendment No. 1 was adopted and the new title follows:

HOUSE BILL NO. 217(title am)

"An Act relating to the determination of full and true value of taxable municipal property for purposes of providing planning assistance to the department of education and early development and the legislature, calculating funding for education, calculating school district participating shares for school construction grants, and calculating tax resource equalization payments and excluding from that determination the value of property in certain areas detached from a municipality and the value of certain property involved with oil and gas that is not taxed by a municipality."

Representative Coghill moved and asked unanimous consent that HB 217(title am) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 217 (title am) was read the third time.

The question being: "Shall HB 217(title am) pass the House?" The roll was taken with the following result:

HB 217(title am)  
Third Reading  
Final Passage

**YEAS: 39 NAYS: 0 EXCUSED: 0 ABSENT: 1**

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, 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, Seaton, Stoltze, Thomas, Wilson

Absent: Weyhrauch

And so, HB 217(title am) passed the House and was referred to the Chief Clerk for engrossment.

**HB 257**

The following was read the second time:

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."

with the:	Journal Page
JUD RPT CS(JUD) NT 2DP 5NR	1257
FN1: ZERO(CRT)	1258
FN2: INDETERMINATE(ADM/ALL DEPTS)	1258
FIN RPT CS(JUD) NT 4DP 6NR	1320
FN1: ZERO(CRT)	1320
FN2: INDETERMINATE(ADM/ALL DEPTS)	1320

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. 257(JUD)

"An Act relating to and extending the pilot program for state procurement and electronic commerce tools; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 257(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 257(JUD) will advance to third reading on tomorrow's calendar.

### SECOND READING OF SENATE BILLS

#### SB 129

The following was read the second time:

CS FOR SENATE BILL NO. 129(JUD)

"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."

with the:	Journal Page
L&C RPT 3DP 2NR	984
FN1: ZERO(CRT)	985
FN2: ZERO(LAW)	985
JUD RPT 5DP 1NR	1297
FN1: ZERO(CRT)	1298
FN2: ZERO(LAW)	1298

Representative Coghill moved and asked unanimous consent that CSSB 129(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSSB 129(JUD) will advance to third reading on tomorrow's calendar.

### THIRD READING OF HOUSE BILLS

#### HB 272

The following, which was advanced to third reading from the April 30, 2005, calendar (page 1407), was read the third time:

CS FOR HOUSE BILL NO. 272(FIN)

"An Act relating to card rooms and card operations."

The Speaker stated that, without objection, CSHB 272(FIN) would be held in third reading to tomorrow's calendar.

### SECOND READING OF HOUSE RESOLUTIONS

#### HCR 6

The following was read the second time:

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.

with the:

Journal Page

EDT RPT 6DP	1219
FN1: (LEG)	1219
FIN RPT 7DP 1NR	1397
FN2: (LEG)	1397

The question being: "Shall HCR 6 pass the House?" The roll was taken with the following result:

HCR 6

Second Reading

Final Passage

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

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

Absent: Anderson, Kelly, Weyhrauch

And so, HCR 6 passed the House and was referred to the Chief Clerk for engrossment.

### **HCR 11**

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 11  
Proclaiming July 24, 2005, as Parents' Day.

with the:	Journal Page
HES RPT 4DP	1294
FN1: ZERO(LEG)	1295

The question being: "Shall HCR 11 pass the House?" The roll was taken with the following result:

HCR 11  
Second Reading  
Final Passage

**YEAS: 38 NAYS: 0 EXCUSED: 0 ABSENT: 2**

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

Absent: Kelly, Weyhrauch

And so, HCR 11 passed the House and was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would recess to 6:30 p.m.; and so, the House recessed at 1:38 p.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 7:10 p.m.

#### **CONSIDERATION OF THE DAILY CALENDAR**

(continued)

#### **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 - Amy Collman

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

Honoring - Juneau Jumpers, World Rope Skipping Championship Participants

By Representatives Kerttula, Weyhrauch, Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, 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, Wilson; Senator Elton

Honoring - Jambaars Soccer Team, Zane Cup State Champions

By Representatives Kerttula, Weyhrauch, Harris, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, 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, Wilson; Senator Elton

In Memoriam - Kaye Cory Baker

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

In Memoriam - Hugh Gregory Gallagher

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

In Memoriam - James Albert Anderegg

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

The Speaker stated that, without objection, the House would revert to Standing Committee Reports.

Representative Croft objected.

Representative Croft placed a call of the House and lifted the call.

Representative Croft withdrew the objection. There being no further objection, the House reverted to:

#### **REPORTS OF STANDING COMMITTEES**

##### **HB 254**

The Resources Committee has considered:



## HOUSE BILL NO. 254

"An Act directing the Alaska Natural Gas Development Authority to use money appropriated from the Railbelt energy fund and from other sources for preliminary engineering and related work for the construction of pipeline facilities to transport Alaska North Slope natural gas to the Southcentral Alaska gas distribution grid, and amending the definition of 'project' as applied to the work of the Alaska Natural Gas Development Authority; and providing for an effective date."

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

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

No recommendation (2): Kapsner, LeDoux

Amend (1): Gatto

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 254 was referred to the Finance Committee.

**SJR 11**

The Finance Committee has considered:

## SENATE JOINT RESOLUTION NO. 11

Urging the United States Congress to amend the tax code to repeal the federal excise tax on communications.

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

Do pass (4): Hawker, Foster, Meyer, Chenault

No recommendation (2): Stoltze, Weyhrauch

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

SJR 11 was referred to the Rules Committee for placement on the calendar.

**SJR 16**

The Resources Committee has considered:

## SENATE JOINT RESOLUTION NO. 16

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

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

Do pass (5): Olson, Gatto, Elkins, Samuels, Ramras

No recommendation (2): LeDoux, Crawford

The following fiscal note(s) apply:

1. Zero, Legislative Agency

SJR 16 was referred to the Rules Committee for placement on the calendar.

**SB 16**

The Finance Committee has considered:

## CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 16(TRA)

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; repealing the requirement for a long-range program for highway construction and maintenance; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date."

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

Do pass (4): Hawker, Holm, Moses, Chenault

No recommendation (3): Croft, Weyhrauch, Kelly

The following fiscal note(s) apply:

1. Zero, Dept. of Transportation & Public Facilities
2. Zero, Dept. of Public Safety

CSSSSB 16(TRA) was referred to the Rules Committee for placement on the calendar.

### **SB 104**

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 104(JUD)

"An Act relating to the crimes of unsworn falsification in the first and second degrees and false information or report; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 104(JUD)

"An Act relating to the crimes of unsworn falsification in the first degree involving an application for a permanent fund dividend and false information or report involving eligibility for a permanent fund dividend; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue; relating to service in the peace corps and as a member 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."

(pending title change resolution)

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

Do pass (4): Kott, Gruenberg, Gara, McGuire

No recommendation (2): Dahlstrom, Coghill

The following fiscal note(s) apply to HCS CSSB 104(JUD):

2. Zero, Dept. of Law  
Fiscal note(s) forthcoming.

CSSB 104(JUD) was referred to the Rules Committee for placement on the calendar.

#### **SB 141**

The Finance Committee has again considered (page 1420):

CS FOR SENATE BILL NO. 141(FIN)

"An Act relating to the teachers' and public employees' retirement systems and creating defined contribution and health reimbursement plans for members of the teachers' retirement system and the public employees' retirement system who are first hired after July 1, 2005; relating to university retirement programs; establishing the Alaska Retirement Management Board to replace the Alaska State Pension Investment Board, the Alaska Teachers' Retirement Board, and the Public Employees' Retirement Board; adding appeals of the decisions of the administrator of the teachers' and public employees' retirement systems to the jurisdiction of the office of administrative hearings; providing for nonvested members of the teachers' retirement system defined benefit plans to transfer into the teachers' retirement system defined contribution plan and for nonvested members of the public employees' retirement system defined benefit plans to transfer into the public employees' retirement

system defined contribution plan; providing for political subdivisions and public organizations to request to participate in the public employees' defined contribution retirement plan; and providing for an effective date."

and recommends it be replaced with a forthcoming House Finance Committee substitute.

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

Do pass (3): Foster, Kelly, Chenault

No recommendation (4): Holm, Stoltze, Moses, Meyer

Amend (1): Hawker

The following fiscal note(s) apply to HCS CSSB 141(FIN):

1. Fiscal, Dept. of Administration
3. Fiscal, Dept. of Revenue
4. Fiscal, Dept. of Revenue
5. Fiscal, Dept. of Revenue
6. Fiscal, Dept. of Revenue
7. Fiscal, Dept. of Revenue
9. Zero, House Finance Committee/Dept. of Administration
11. Fiscal, Dept. of Administration

Representative Berkowitz moved and asked unanimous consent that the House Finance Committee analysis, which applies to HCS CSSB 141(FIN), be replaced with an analysis by the Actuarial Service Company.

There was objection.

The question being: "Shall the House Finance Committee analysis, which applies to HCS CSSB 141(FIN), be replaced with an analysis by the Actuarial Service Company?" The roll was taken with the following result:

Replace Finance Committee Fiscal Analysis with  
Actuarial Service Company Analysis for HCS CSSB 141(FIN)

**YEAS: 15 NAYS: 25 EXCUSED: 0 ABSENT: 0**

Yeas: Berkowitz, Cissna, Crawford, Dahlstrom, Gara, Gruenberg,  
Guttenberg, Hawker, Joule, Kapsner, Kerttula, Kott, LeDoux, Moses,  
Salmon

Nays: Anderson, Chenault, Coghill, Croft, Elkins, Foster, Gardner,  
Gatto, Harris, Holm, Kelly, Kohring, Lynn, McGuire, Meyer,  
Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze,  
Thomas, Weyhrauch, Wilson

And so, the motion failed.

CSSB 141(FIN) was referred to the Rules Committee for placement on  
the calendar.

#### **CONSIDERATION OF THE FIRST SUPPLEMENTAL CALENDAR**

Representative Coghill moved and asked unanimous consent that the  
House adopt the First Supplemental Calendar. There being no  
objection, the following First Supplemental Calendar was adopted:

HB 286	VALUE OF ROYALTY ON GAS PRODUCTION
HB 98	NONUNION PUBLIC EMPLOYEE SALARY & BENEFIT
HB 275	TRANSPORTATION PROJECT BONDS
SB 25	GENETICALLY MODIFIED FISH

#### **SECOND READING OF HOUSE BILLS**

##### **HB 286**

The following was read the second time:

HOUSE BILL NO. 286

"An Act amending the manner of determining the royalty received  
by the state on gas production by directing the commissioner of

natural resources to accept, under certain circumstances, the transfer price of the gas if established by transfer price order of the Regulatory Commission of Alaska; and providing for an effective date."

with the:	Journal Page
O&G RPT 5DP	1371
FN1: ZERO(CED)	1372
L&C RPT 5DP 2NR	1418
FN1: ZERO(CED)	1418

Representative Coghill moved and asked unanimous consent that HB 286 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 286 was read the third time.

The question being: "Shall HB 286 pass the House?" The roll was taken with the following result:

HB 286  
Third Reading  
Final Passage

**YEAS: 39 NAYS: 0 EXCUSED: 0 ABSENT: 1**

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

Absent: Kelly

And so, HB 286 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.

HB 286 was referred to the Chief Clerk for engrossment.

**HOUSE BILLS IN SECOND READING****HB 98**

The following, which had been held in second reading and returned to the Rules Committee (page 1404), was again before the House:

CS FOR HOUSE BILL NO. 98(RLS)

"An Act relating to the compensation of the governor, the lieutenant governor, and certain public officials, officers, and employees not covered by collective bargaining agreements; and providing for an effective date."

Amendment No. 1 was offered by Representative Gara:

Page 1, following line 4:

Insert new bill sections to read:

**\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT. It is the intent of the legislature that each legislative staff person be paid equitably without regard to the political party affiliation of the legislator for whom the staff person works.

**\* Sec. 2.** AS 24.10.200 is amended by adding a new subsection to read:

(c) The rate established under (a) of this section shall provide that the combined salary schedule ranges of the two employees who are compensated at the highest ranges are equal for each legislator. If a legislator has only one employee, that employee must be compensated at the highest range authorized for an employee of any legislator. This subsection does not prohibit differences in the compensation of employees based on longevity or merit."

Page 1, line 5:

Delete "**Section 1**"

Insert "**Sec. 3**"

ReNUMBER the following sections accordingly.



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Page 3, lines 21 - 22:

Delete "sec. 4"

Insert "sec. 6"

Page 3, line 22:

Delete "secs. 5 and 6"

Insert "secs. 7 and 8"

Page 3, line 31:

Delete "sec. 4"

Insert "sec. 6"

Delete "secs. 5 and 6"

Insert "secs. 7 and 8"

Page 4, line 4:

Delete "secs. 4 - 6"

Insert "secs. 6 - 8"

Page 4, line 12:

Delete "Sections 1, 2, and 7"

Insert "Sections 3, 4, and 9"

Page 4, line 13:

Delete "sec. 11"

Insert "sec. 13"

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

Representative Rokeberg objected.

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

CSHB 98(RLS)

Second Reading

Amendment No. 1

**YEAS: 16 NAYS: 24 EXCUSED: 0 ABSENT: 0**

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, LeDoux, Moses, Salmon

Nays: Anderson, Chenault, Coghill, Foster, Gatto, Harris, Hawker, Holm, Kelly, Kohring, Kott, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Gara:

Page 1, following line 4:

Insert a new bill section to read:

**\*\* Section 1.** AS 24.10.200 is amended by adding a new subsection to read:

(c) Legislative staff pay shall be based on merit and shall not be based on the party or caucus membership of the employing legislator."

Renumber the following bill sections accordingly.

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

Objection was heard.

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

CSHB 98(RLS)  
Second Reading  
Amendment No. 2

**YEAS: 18 NAYS: 20 EXCUSED: 0 ABSENT: 2**

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Kohring, Kott, LeDoux, Moses, Salmon

Nays: Chenault, Coghill, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kelly, Lynn, Meyer, Neuman, Olson, Ramras, Rokeberg, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

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Absent: McGuire, Samuels

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was offered by Representatives Croft and Berkowitz:

Page 1, line 1 (title amendment):

Delete "**the governor, the lieutenant governor, and**"

Page 1, lines 5 - 10:

Delete all material.

Renumber the following bill sections accordingly.

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

Representative Rokeberg objected.

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

CSHB 98(RLS)

Second Reading

Amendment No. 3

**YEAS: 12 NAYS: 27 EXCUSED: 0 ABSENT: 1**

Yeas: Berkowitz, Cissna, Coghill, Crawford, Croft, Gara, Gardner, Gatto, Gruenberg, Kapsner, Salmon, Wilson

Nays: Anderson, Chenault, Dahlstrom, Elkins, Foster, Guttenberg, Harris, Hawker, Holm, Joule, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Seaton, Stoltze, Thomas, Weyhrauch

Absent: Samuels

And so, Amendment No. 3 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 98(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 98(RLS) was read the third time.

The question being: "Shall CSHB 98(RLS) pass the House?" The roll was taken with the following result:

CSHB 98(RLS)  
Third Reading  
Final Passage

**YEAS: 26 NAYS: 13 EXCUSED: 0 ABSENT: 1**

Yeas: Anderson, Chenault, Dahlstrom, Elkins, Foster, Gara, Gardner, Gruenberg, Harris, Hawker, Holm, Kelly, Kerttula, Kohring, Kott, McGuire, Meyer, Moses, Neuman, Olson, Rokeberg, Salmon, Seaton, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Coghill, Crawford, Croft, Gatto, Guttenberg, Joule, Kapsner, LeDoux, Lynn, Ramras, Stoltze

Absent: Samuels

And so, CSHB 98(RLS) passed the House.

Representative Coghill moved the effective date clauses.

The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

CSHB 98(RLS)  
Third Reading  
Effective Dates

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

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

Nays: Kapsner

Absent: Joule, Samuels

And so, the effective date clauses were adopted.

Representative Crawford gave notice of reconsideration of the vote on CSHB 98(RLS).

**HB 275**

The following, which had been read the second time and returned to the Rules Committee (page 1381), was again before the House in second reading:

HOUSE BILL NO. 275

"An Act authorizing financing for certain public transportation projects; giving notice of and approving the entry into, and the issuance of revenue obligations that provide participation in, lease-financing agreements for those transportation projects; and providing for an effective date."

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. 275(FIN)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gardner:

Page 1, following line 13, insert:

"(1) Anchorage: Lake Otis-Tudor intersection \$7,000,000"

Renumber the following accordingly.

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

Representative Lynn objected.

Representative Berkowitz placed a call of the House.

The call was satisfied.

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

CSHB 275(FIN)  
Second Reading  
Amendment No. 1

**YEAS: 17 NAYS: 23 EXCUSED: 0 ABSENT: 0**

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Joule, Kapsner, Kerttula, McGuire, Moses, Salmon

Nays: Chenault, Coghill, Elkins, Foster, Gatto, Harris, Holm, Kelly, Kohring, Kott, LeDoux, Lynn, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Stoltze:

Page 2, lines 9 - 10:  
Delete all material.

Renumber the following accordingly.

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

Representative Meyer objected and withdrew the objection. There being no further objection, Amendment No. 2 was adopted.

Representative Coghill moved and asked unanimous consent that CSHB 275(FIN) am be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 275(FIN) am will advance to third reading on tomorrow's calendar.

**SECOND READING OF SENATE BILLS****SB 25**

The following was read the second time:

SENATE BILL NO. 25

"An Act relating to labeling and identification of genetically modified fish and fish products."

with the:	Journal Page
FSH RPT 5DP	646
FN1: ZERO(DEC)	647
FN2: ZERO(LAW)	647
L&C RPT 4DP 2NR	865
FN1: ZERO(DEC)	865
FN2: ZERO(LAW)	865
RES RPT 4DP 2NR 1AM	982
FN1: ZERO(DEC)	983
FN2: ZERO(LAW)	983

Representative Coghill moved and asked unanimous consent that SB 25 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 25 was read the third time.

The question being: "Shall SB 25 pass the House?" The roll was taken with the following result:

SB 25

Third Reading

Final Passage

**YEAS: 32 NAYS: 0 EXCUSED: 0 ABSENT: 8**

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Neuman, Olson, Ramras, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Absent: Anderson, Holm, Joule, Kapsner, Kelly, Meyer, Moses, Rokeberg

And so, SB 25 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

### UNFINISHED BUSINESS

#### **HB 277**

The Speaker waived the House Special Committee on Military & Veterans' Affairs referral for the following at the request of Representative Lynn, Chair:

HOUSE BILL NO. 277

"An Act naming the Charles Gamble Jr. - Donald Sperl Joint Use Facility in Juneau."

HB 277 was removed from the House Special Committee on Military & Veterans' Affairs and referred to the State Affairs Committee.

#### **HCR 11**

Representative Samuels added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 11

Proclaiming July 24, 2005, as Parents' Day.

#### **HB 273**

Representative Gardner removed her name as cosponsor to:

HOUSE BILL NO. 273

"An Act relating to the dividends of individuals claiming allowable absences; and providing for an effective date."

#### **HB 286**

Representative Anderson added his name as cosponsor to:

HOUSE BILL NO. 286

"An Act amending the manner of determining the royalty received by the state on gas production by directing the commissioner of natural resources to accept, under certain circumstances, the



transfer price of the gas if established by transfer price order of the Regulatory Commission of Alaska; and providing for an effective date."

**SB 104**

Representatives Anderson, Gara, and McGuire added their names as cross sponsors to:

CS FOR SENATE BILL NO. 104(JUD)

"An Act relating to the crimes of unsworn falsification in the first and second degrees and false information or report; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue; and providing for an effective date."

**SB 147**

Representative Hawker added his name as cross sponsor to:

CS FOR SENATE BILL NO. 147(FIN)

"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."

**ENGROSSMENT****HCR 6**

HCR 6 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HCR 11**

HCR 11 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 217**

HB 217(title am) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 286**

HB 286 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**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., May 3, 2005. There being no objection, the House adjourned at 9:02 p.m.

Suzi Lowell  
Chief Clerk