

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

May 4, 2005

One Hundred Fifteenth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:04 a.m.

Roll call showed 34 members present. Representatives Anderson, Chenault, Kapsner, Kott, Samuels, and Weyhrauch were absent and their presence was noted later.

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

With respect for the religious traditions of all Alaskans, I offer this prayer.

Good, gracious, and giving God, I ask Your blessing upon this House. Upon all its deliberations this day, I ask Your guiding hand that what is done here may be a testimony to the best efforts of our most creative and generous spirit. Guide our feet in the paths of peace: in our hearts, in our families, in our towns and villages, in our nation, and around the world. Guide our children and our care of them that their days may be filled with joy and their lives shaped by hope.

Deliver those bound by the chains of addiction, O Lord, and what part we can play in guiding them to freedom, let us not deny or withhold. Bless our leadership within this house with insight, humility, and courage, and the work of leadership laid upon each legislator. May each walk in beauty, and be glad

for the rare opportunity to lay a blessing upon the present and future of all Alaska. Amen.

The Pledge of Allegiance was led by Representative Coghill.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 114th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A letter dated May 2, 2005, was read stating the Governor has withdrawn the name of Mr. Jeff Staser, at his request, from legislative confirmation of appointment to the University of Alaska Board of Regents (page 83).

HB 47

A message dated May 3, 2005, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE BILL NO. 47(FIN)

"An Act extending the termination date of the Board of Certified Real Estate Appraisers; and relating to the requirements for membership on the Board of Certified Real Estate Appraisers."

Chapter No. 10, SLA 2005

Effective Date: August 1, 2005

HB 64

A message dated May 3, 2005, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE BILL NO. 64

"An Act extending the termination date for the Board of Public Accountancy; and providing for an effective date."

Chapter No. 11, SLA 2005

Effective Date: May 4, 2005

MESSAGES FROM THE SENATE**HB 19**

A message dated May 3, 2005, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 19(FIN)

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

CSHB 19(FIN) was referred to the Chief Clerk for enrollment.

HB 90

A message dated May 3, 2005, was read stating the Senate has passed:

HOUSE BILL NO. 90

"An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments."

HB 90 was referred to the Chief Clerk for enrollment.

HB 91

A message dated May 3, 2005, was read stating the Senate has passed:

HOUSE BILL NO. 91 am

"An Act relating to indecent exposure."

HB 91 am was referred to the Chief Clerk for enrollment.

HB 121

A message dated May 3, 2005, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 121(2d RLS)

"An Act relating to consolidating or abolishing certain road service areas in certain second class boroughs; and providing for an effective date."

CSHB 121(2d RLS) was referred to the Chief Clerk for enrollment.

HB 131

A message dated May 3, 2005, was read stating the Senate has passed:

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."

HB 131 was referred to the Chief Clerk for enrollment.

HB 182

A message dated May 3, 2005, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 182(FIN)(efd fld)

"An Act amending the Alaska Wage and Hour Act as it relates to the employment of a person acting in a supervisory capacity or in an administrative, executive, or professional capacity; relating to definitions under the Alaska Wage and Hour Act and providing definitions for persons employed in administrative, executive, and professional capacities, for persons working in the capacity of an outside salesman, for persons working in the capacity of a salesman employed on a straight commission basis, and for persons that perform computer-related occupations; directing retrospective application of the provisions of this Act to work performed before the effective date of this Act for purposes of claims filed on or after the effective date of this Act, and disallowing retrospective application for purposes of claims for that work that are filed before the effective date of this Act."

CSHB 182(FIN)(efd fld) was referred to the Chief Clerk for enrollment.

HB 216

A message dated May 3, 2005, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 216(L&C)(title am)

"An Act relating to policy forms and rates that require filing; requiring the filing of certain rates, rating schedules, loss cost adjustments, and rating plans with the director of the division of insurance; establishing a procedure for the director of the division of insurance to obtain additional supporting information from an insurer for a filing; relating to an application for a rate other than that in an applicable rate filing; requiring prior approval for certain rating systems and the procedure for approving a filing; providing for the issuance of orders relating to nonconforming filings after a hearing; relating to the regulation of joint underwriting and joint reinsurance; relating to flex rating; relating to file and use, filing of rates, supplementary rate information, and supporting information; authorizing the director of the division of insurance to require prior approval; relating to form filing subject to prior approval and form filing subject to file and use; and providing for penalties relating to file and use."

CSHB 216(L&C)(title am) was referred to the Chief Clerk for enrollment.

HB 76

A message dated May 3, 2005, was read stating the Senate has passed CSHB 76(FIN) am with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 76(FIN)

"An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date."

CSHB 76(FIN) am is under Unfinished Business.

HB 156

A message dated May 3, 2005, was read stating the Senate has passed CSHB 156(RLS) am with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 156(FIN)

"An Act relating to the membership and duties of and quorum requirements for the Alaska Commission on Aging; and providing for an effective date."

CSHB 156(RLS) am is under Unfinished Business.

**The presence of Representative Samuels was noted.

A message dated May 3, 2005, was read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 20

CS FOR SENATE BILL NO. 20(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to offenses against unborn children."

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

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

SB 113

CS FOR SENATE BILL NO. 113(RES) by the Senate Resources Committee, entitled:

"An Act relating to entry into and management of Gulf of Alaska groundfish fisheries."

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

SB 135

CS FOR SENATE BILL NO. 135(JUD)(efd am) by the Senate Judiciary Committee, entitled:

"An Act relating to the crimes of assault and custodial interference; and providing for an effective date."

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

**The presence of Representative Chenault was noted.

SB 175

CS FOR SENATE BILL NO. 175(FIN) by the Senate Finance Committee, entitled:

"An Act relating to dispensing opticians, to dispensing optician apprentices, to the Board of Dispensing Opticians, and to the practice of dispensing opticianry; and providing for an effective date."

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

COMMUNICATIONS

The following was received:

Dept. of Administration
Office of the Commissioner
Increase to the Monetary Terms of Agreement Between the
State and the Teachers' Education Association of Mount Edgecumbe
July 1, 2004 - June 30, 2006
(as required by AS 23.40.215)

The Speaker referred the monetary terms of agreement to the Finance Committee.

REPORTS OF STANDING COMMITTEES

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

Mr. Jerry Story

as a member of the Commission on Judicial Conduct.

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

SJR 12

The Judiciary Committee has considered:

CS FOR SENATE JOINT RESOLUTION NO. 12(JUD)

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.

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO.
12(JUD)
(same title)

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

Do pass (4): Kott, Dahlstrom, Coghill, McGuire

Do not pass (2): Gruenberg, Gara

The following fiscal note(s) apply to HCS CSSJR 12(JUD):

1. Zero, Senate Judiciary Committee

CSSJR 12(JUD) was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Kott was noted.

SB 101

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 101(JUD)

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 101(JUD)
(same title)

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

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

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

1. Zero Office of the Governor/All Depts.

CSSB 101(JUD) was referred to the Rules Committee for placement on the calendar.

SB 133

The Finance Committee has considered:

SENATE BILL NO. 133

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

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

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

No recommendation (1): Moses

The following fiscal note(s) apply:

3. Zero, House Finance Committee/Dept. of Transportation & Public Facilities

SB 133 was referred to the Rules Committee for placement on the calendar.

SB 139

The Finance Committee has considered:

CS FOR SENATE BILL NO. 139(L&C)

"An Act relating to termination and oversight of boards, commissions, and agency programs; extending the termination date of the Board of Marital and Family Therapy; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 139(FIN)
(same title)

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

Do pass (2): Hawker, Moses

No recommendation (5): Joule, Holm, Kelly, Stoltze, Chenault

The following fiscal note(s) apply to HCS CSSB 139(FIN):

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

CSSB 139(L&C) was referred to the Rules Committee for placement on the calendar.

SB 140

The Rules Committee has considered:

CS FOR SENATE BILL NO. 140(JUD)

"An Act relating to spyware and unsolicited Internet advertising."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 140(RLS)

"An Act relating to computers, computer communications, and the Internet."

(HCR 17 - title change resolution)

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

Do pass (7): Kerttula, McGuire, Coghill, Harris, Berkowitz, Kohring, Rokeberg

The following fiscal note(s) apply to HCS CSSB 140(RLS):

1. Zero, Dept. of Administration
2. Zero, Dept. of Law
3. Zero, Dept. of Public Safety

CSSB 140(JUD) was returned to the Rules Committee for placement on the calendar.

SB 147

The Finance Committee has considered:

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."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 147(FIN)
(same title)

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

Do pass (3): Hawker, Holm, Kelly

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

Amend (1): Stoltze

The following fiscal note(s) apply to HCS CSSB 147(FIN):

1. Fiscal, Dept. of Revenue
4. Fiscal, Dept. of Fish & Game

CSSB 147(FIN) was referred to the Rules Committee for placement on the calendar.

SB 150

The Health, Education & Social Services Committee has considered:

CS FOR SENATE BILL NO. 150(HES)
"An Act relating to the Alaska children's trust grant awards."

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

Do pass (4): Cissna, Gardner, Seaton, Wilson

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

CSSB 150(HES) was referred to the Finance Committee.

SB 174

The Finance Committee has considered:

SENATE BILL NO. 174

"An Act excluding certain trucks from the definition of 'passenger vehicle' for purposes of the passenger vehicle rental tax; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 174(FIN)

"An Act excluding certain trucks and vehicles provided by automobile dealers as replacement transportation during warranty, recall, or service contract repairs from the definition of 'passenger vehicle' for purposes of the passenger vehicle rental tax; and providing for an effective date."

(pending title change resolution)

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

Do pass (8): Hawker, Holm, Weyhrauch, Stoltze, Kelly, Foster, Meyer, Chenault

The following fiscal note(s) apply to HCS SB 174(FIN):

1. Fiscal, Dept. of Revenue

SB 174 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - Kenai Cardinals Varsity Football Team, 2004 State Championship

By Senator Wagoner; Representatives Olson, Chenault

In Memoriam - Johanna Dandoy

By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Officer Timothy Lott

By Representatives Stoltze, McGuire, Kohring; Senator Ben Stevens

In Memoriam - Ryan Brendan Elisoff

By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Margaret Vivian Kurtz

By Representative Cissna

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 16

HOUSE CONCURRENT RESOLUTION NO. 16 by the House Finance Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 141, 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.

was read the first time and is on today's calendar.

HCR 17

HOUSE CONCURRENT RESOLUTION NO. 17 by the House Rules Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 140, relating to computers and the Internet.

was read the first time and referred to the Rules Committee for placement on the calendar.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 299**

HOUSE BILL NO. 299 by Representative Kohring, entitled:

"An Act relating to and increasing the municipal property tax exemption on residences of certain seniors and others; and providing for an effective date."

was read the first time and referred to the Community & Regional Affairs and State Affairs Committees.

HB 300

HOUSE BILL NO. 300 by Representative Kohring, entitled:

"An Act relating to the qualifications of the member of the Alaska Oil and Gas Conservation Commission who need not be certified, trained, or experienced in either the field of petroleum engineering or the field of petroleum geology."

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

HB 301

HOUSE BILL NO. 301 by the House Judiciary Committee, entitled:

"An Act relating to the disqualification of judicial officers and jurors; relating to the rule of necessity; and amending Rules 42(c) and 47, Alaska Rules of Civil Procedure."

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

HB 302

HOUSE BILL NO. 302 by the House Judiciary Committee, entitled:

"An Act adopting the Uniform Securities Act; and providing for an effective date."

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

**The presence of Representative Weyhrauch was noted.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 148**

The following was read the second time:

HOUSE BILL NO. 148
"An Act relating to trafficking of persons."

with the:

Journal Page

JUD RPT CS(JUD) NT 5DP	886
FN1: ZERO(ADM)	886
FN2: ZERO(COR)	886
FN3: ZERO(CRT)	886

HOUSE JOURNAL

May 4, 2005

1511

FN4: ZERO(LAW)	886
FN5: ZERO(DPS)	886
FIN RPT CS(JUD) NT 8DP 1NR	1398
FN1: ZERO(ADM)	1399
FN2: ZERO(COR)	1399
FN3: ZERO(CRT)	1399
FN4: ZERO(LAW)	1399
FN5: ZERO(DPS)	1399

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. 148(JUD)
"An Act relating to human trafficking; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 148(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 148(JUD) was read the third time.

The question being: "Shall CSHB 148(JUD) pass the House?" The roll was taken with the following result:

CSHB 148(JUD)
Third Reading
Final Passage

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

Yeas: Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Joule, Kapsner, Kelly, Kerttula, Kohring, LeDoux, Lynn, McGuire, Meyer, Neuman, Ramras, Rokeberg, Samuels, Seaton, Thomas, Weyhrauch, Wilson

Absent: Anderson, Dahlstrom, Holm, Kott, Moses, Olson, Salmon, Stoltze

And so, CSHB 148(JUD) 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.

Representative Kerttula later gave notice of reconsideration of the vote on CSHB 148(JUD), and reconsideration was taken up then.

HB 161

The following was read the second time:

HOUSE BILL NO. 161

"An Act relating to reemployment of and benefits for retired teachers and public employees and to teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA 2001; providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for secs. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date."

with the:

Journal Page

EDU RPT CS(EDU) 1DP 5NR 1AM	889
FN1: ZERO(ADM)	890
HES RPT CS(HES) NT 3DP 1NR 1AM	1125
FN1: ZERO(ADM)	1126
STA RPT CS(STA) NT 2DP 2NR	1456
FN2: ZERO(ADM)	1457

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. 161(STA)

"An Act relating to reemployment of and benefits for or on behalf of retired teachers and public employees and to teachers or

employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA 2001; providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for secs. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 161(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 161(STA) was read the third time.

The question being: "Shall CSHB 161(STA) pass the House?" The roll was taken with the following result:

CSHB 161(STA)

Third Reading

Final Passage

YEAS: 28 NAYS: 9 EXCUSED: 0 ABSENT: 3

Yeas: Berkowitz, Chenault, Cissna, Coghill, Croft, Elkins, Foster, Gara, Gatto, Harris, Holm, Joule, Kapsner, Kerttula, Kohring, Lynn, Meyer, Moses, Neuman, Olson, Ramras, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Anderson, Crawford, Dahlstrom, Gardner, Gruenberg, Guttenberg, LeDoux, McGuire, Rokeberg

Absent: Hawker, Kelly, Kott

And so, CSHB 161(STA) 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.

Representative McGuire gave notice of reconsideration of the vote on CSHB 161(STA).

HB 277

The following was read the second time:

HOUSE BILL NO. 277

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

with the:	Journal Page
MLV REFERRAL WAIVED	1446
STA RPT 7DP	1458
FN1: ZERO(H.STA)	1458

Representative Coghill moved and asked unanimous consent that HB 277 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 277 was read the third time.

The question being: "Shall HB 277 pass the House?" The roll was taken with the following result:

HB 277

Third 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, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch

Absent: Anderson, Hawker, Wilson

And so, HB 277 passed the House.

Representative Thomas moved and asked unanimous consent that all members be shown as cosponsors to HB 277. There being no objection, it was so ordered.

Representative Kerttula gave notice of reconsideration of the vote on HB 277.

RECONSIDERATION

HB 277

Representative Kerttula moved and asked unanimous consent that reconsideration of HB 277 be taken up on the same day. There being no objection, it was so ordered.

HB 277 was again before the House in third reading.

The question to be reconsidered: "Shall HB 277 pass the House?"
The roll was taken with the following result:

HB 277--RECONSIDERATION

Third 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, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch

Absent: Hawker, Wilson

And so, HB 277 passed the House on reconsideration.

HB 277 was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would move down the calendar to consider HCS CSSB 141(FIN) am H.

SENATE BILLS IN SECOND READING**SB 141**

The following, which was in second reading with amendments pending from the May 3, 2005, calendar (page 1490), was before the House in second reading:

HOUSE CS FOR CS FOR SENATE BILL NO. 141(FIN) am H
"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."

Amendment No. 5 was not offered.

Amendment No. 6 was offered by Representative Weyhrauch:

Page 40, line 24:

Delete "**may be optional or mandatory**"

Insert "**must be optional**"

Page 41, lines 16 - 19:

Delete all material and insert:

"* **Sec. 36.** AS 14.40.671(a) is amended to read:

(a) An employee in a participating position may elect to participate in **a** [THE OPTIONAL] university retirement program or to participate in the appropriate state retirement system. Eligibility to participate in **a** [THE] program begins on an employee's appointment to a participating position."

Page 42, lines 1 - 3:

Delete "**if the participation is optional, or the effective date of the participation if the participation is mandatory, and**"

Page 42, line 15:

Delete "[IMMEDIATELY]"

Insert "immediately"

Page 42, lines 16 - 17:

Delete "**as soon as possible**"

Page 42, lines 27 - 28:

Delete "**participates** [ELECTS TO PARTICIPATE]"

Insert "elects to participate"

Page 43, lines 5 - 12:

Delete all material.

Renumber the following bill sections accordingly.

Page 43, lines 21 - 24:

Delete all material.

Renumber the following bill sections accordingly.

Page 115, line 7:

Delete " sec. 59"

Insert "sec. 57"

Page 115, line 12:

Delete "sec. 59"

Insert "sec. 57"

Page 115, line 15:
Delete "sec. 59"
Insert "sec. 57"

Page 117, line 27:
Delete "sec. 124"
Insert "sec 122"

Page 117, line 30:
Delete "sec. 70"
Insert "sec. 68"

Page 119, line 20:
Delete "SECTIONS 144 AND 145"
Insert "SECTIONS 142 AND 143"

Page 119, line 21:
Delete "secs. 144 and 145"
Insert "secs. 142 and 143"

Page 119, line 23:
Delete "secs. 144 and 145"
Insert "secs. 142 and 143"

Page 119, lines 26 - 28:
Delete "secs. 1 - 8, 11, 14 - 19, 22 - 91, 98 - 109, 111 - 116, 118, 119, and 121 - 134 of this Act take effect after July 1, 2005, secs. 1 - 8, 11, 14 - 19, 22 - 91, 98 - 109, 111 - 116, 118, 119, and 121 - 134"
Insert "secs. 1 - 8, 11, 14 - 19, 22 - 89, 96 - 107, 109 - 114, 116, 117, and 119 - 132 of this Act take effect after July 1, 2005, secs. 1 - 8, 11, 14 - 19, 22 - 89, 96 - 107, 109 - 114, 116, 117, and 119 - 132"

Page 119, line 30:
Delete "Sections 19 and 118"
Insert "Sections 19 and 116"

Page 120, line 1:
Delete "Sections 9, 10, 12, 13, 18, 90 - 95, 107, 115, and 135"
Insert "Sections 9, 10, 12, 13, 18, 88 - 93, 105, 113, and 133"

Page 120, line 3:

Delete "Section 146"

Insert "Section 144"

Page 120, line 4:

Delete "secs. 148, 149, and 150"

Insert "secs. 146, 147, and 148"

Representative Weyhrauch moved and asked unanimous consent that Amendment No. 6 be adopted.

Representative Kelly objected.

Representative Weyhrauch placed a call of the House on the bill.

The call was satisfied.

The question being: "Shall Amendment No. 6 be adopted?" The roll was taken with the following result:

HCS CSSB 141(FIN) am H

Second Reading

Amendment No. 6

YEAS: 26 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gruenberg, Guttenberg, Harris, Hawker, Joule, Kapsner, Kerttula, Kott, LeDoux, Lynn, Olson, Rokeberg, Salmon, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Anderson, Chenault, Coghill, Foster, Gatto, Holm, Kelly, Kohring, McGuire, Meyer, Moses, Neuman, Ramras, Samuels

And so, Amendment No. 6 was adopted.

Amendment No. 7 was offered by Representative Weyhrauch:

Page 5, line 21:

Delete "**Teachers First Hired before July 1, 2005**"

Insert "**Teachers' Defined Benefit Retirement Plan**"

Page 5, line 23, following "July 1, 2005":

Insert "or members first hired on or after July 1, 2005, who choose under AS 14.25.315 to participate in the defined benefit plan"

Page 6, line 14, following "14.25.220":

Insert "unless they choose to do so under AS 14.25.315"

Page 15, line 13, following "July 1, 2005,":

Insert "who fail to choose under AS 14.25.315 to participate in the defined benefit plan"

Page 15, following line 14:

Insert new material to read:

"Sec. 14.25.315. Retirement plan choice. (a) A teacher who is first hired on or after July 1, 2005, may participate either in the defined benefits plan established in AS 14.25.009 - 14.25.220 or the defined contribution plan established in AS 14.25.310 - 14.25.590. The teacher may make a choice between the available retirement plans within 30 days after the date of employment, on a form provided by the administrator. If the teacher fails to make a timely choice under this section, the provisions of AS 14.25.310 - 14.25.590 shall apply to the teacher during the period of employment.

(b) After the 31st day of employment, the teacher may not change from one retirement plan to another. The retirement plan determined to apply on the 31st day of employment shall be considered to apply beginning on the first day the teacher is employed and the day the retirement plan is determined.

(c) A teacher who terminates employment and is later rehired by an employer may again exercise the option provided in this section only if, on the date of reemployment, the option in this section is available to all teachers first hired at the time the teacher is rehired.

(d) The administrator shall notify the employer of a teacher as soon as possible regarding the retirement plan applicable to that teacher, and the employer shall make the appropriate teacher and employer contributions required by the applicable retirement plan for that teacher."

Page 15, line 30, following "July 1, 2005,":

Insert "and fails under AS 14.25.315 to choose to participate in the defined benefit retirement plan"

Page 67, line 27:

Delete "**Public Employees First Hired before July 1, 2005**"

Insert "**Public Employees' Defined Benefit Retirement Plan**"

Page 67, lines 28 - 29:

Delete "**to employees first hired before July 1, 2005**"

Page 67, line 30, following "July 1, 2005":

Insert "or members first hired on or after July 1, 2005, who choose under AS 39.35.705 to participate in the defined benefit plan"

Page 84, line 29, following "July 1, 2005":

Insert ", who fail to choose to participate in the defined benefit plan under AS 39.35.705"

Page 84, following line 30:

Insert new material to read:

"Sec. 39.35.705. Retirement plan choice. (a) An employee who is first hired on or after July 1, 2005, may choose to participate either in the defined benefits plan established in AS 39.35.095 - 39.35.680 or the defined contribution plan established in AS 39.35.700 - 39.35.990. The employee may make a choice between the available retirement plans within 30 days after the date of employment, on a form provided by the administrator. If the employee fails to make a timely choice under this section, the provisions of AS 39.35.700 - 39.35.990 shall apply to the employee during the period of employment.

(b) After the 31st day of employment, the employee may not change from one retirement plan to another. The retirement plan determined to apply on the 31st day of employment shall be considered to apply beginning on the first day the employee is employed and the day the retirement plan is determined.

(c) A employee who terminates employment and is later rehired may again exercise the option provided in this section only if, at the time of rehire, the option in this section is available to all employees first hired at the time the employee is rehired.

(d) The administrator shall notify the employer of a employee as soon as possible regarding the retirement plan applicable to that employee, and the employer shall make the appropriate employee and employer contributions required by the applicable retirement plan for that employee."

Page 85, line 18, following "July 1, 2005,":

Insert "and fails under AS 39.35.705 to choose to participate in the defined benefit retirement plan"

Representative Weyhrauch moved and asked unanimous consent that Amendment No. 7 be adopted.

There was objection.

Representative Weyhrauch moved and asked unanimous consent to withdraw Amendment No. 7. There being no objection, it was so ordered.

Amendment No. 8 was offered by Representatives Croft and Weyhrauch:

Page 5, line 21:

Delete "**Teachers First Hired before July 1, 2005**"

Insert "**Teachers' Defined Benefit Retirement Plan**"

Page 5, line 23, following "July 1, 2005":

Insert "or members first hired on or after July 1, 2005, who fail to choose under AS 14.25.315 to participate in the defined contribution plan"

Page 6, line 14, following "14.25.220":

Insert "unless they fail to choose under AS 14.25.315 to participate in the defined contribution plan"

Page 15, line 13, following "July 1, 2005,":

Insert "who choose under AS 14.25.315 to participate in the defined contribution plan"

Page 15, following line 14:

Insert new material to read:

"Sec. 14.25.315. Retirement plan choice. (a) A teacher who is first hired on or after July 1, 2005, may participate either in the defined benefits plan established in AS 14.25.009 - 14.25.220 or the defined contribution plan established in AS 14.25.310 - 14.25.590. The teacher may make a choice between the available retirement plans within 30 days after the date of employment, on a form provided by the administrator. If the teacher fails to make a timely choice under this section, the provisions of AS 14.25.009 - 14.25.220 shall apply to the teacher during the period of employment.

(b) After the 31st day of employment, the teacher may not change from one retirement plan to another. The retirement plan determined to apply on the 31st day of employment shall be considered to apply beginning on the first day the teacher is employed and the day the retirement plan is determined.

(c) A teacher who terminates employment and is later rehired by an employer may again exercise the option provided in this section only if, on the date of reemployment, the option in this section is available to all teachers first hired at the time the teacher is rehired.

(d) The administrator shall notify the employer of a teacher as soon as possible regarding the retirement plan applicable to that teacher, and the employer shall make the appropriate teacher and employer contributions required by the applicable retirement plan for that teacher."

Page 15, line 30, following "July 1, 2005,":

Insert "and chooses under AS 14.25.315 to participate in the defined contribution retirement plan"

Page 67, line 27:

Delete "**Public Employees First Hired before July 1, 2005**"

Insert "**Public Employees' Defined Benefit Retirement Plan**"

Page 67, lines 28 - 29:

Delete "**to employees first hired before July 1, 2005**"

Page 67, line 30, following "July 1, 2005":

Insert "or members first hired on or after July 1, 2005, who fail to choose under AS 39.35.705 to participate in the defined contribution plan"

Page 84, line 29, following "July 1, 2005":

Insert ", who choose to participate in the defined contribution plan under AS 39.35.705"

Page 84, following line 30:

Insert new material to read:

"Sec. 39.35.705. Retirement plan choice. (a) An employee who is first hired on or after July 1, 2005, may choose to participate either in the defined benefits plan established in AS 39.35.095 - 39.35.680 or the defined contribution plan established in AS 39.35.700 - 39.35.990. The employee may make a choice between the available retirement plans within 30 days after the date of employment, on a form provided by the administrator. If the employee fails to make a timely choice under this section, the provisions of AS 39.35.095 - 39.35.680 shall apply to the employee during the period of employment.

(b) After the 31st day of employment, the employee may not change from one retirement plan to another. The retirement plan determined to apply on the 31st day of employment shall be considered to apply beginning on the first day the employee is employed and the day the retirement plan is determined.

(c) A employee who terminates employment and is later rehired may again exercise the option provided in this section only if, at the time of rehire, the option in this section is available to all employees first hired at the time the employee is rehired.

(d) The administrator shall notify the employer of a employee as soon as possible regarding the retirement plan applicable to that employee, and the employer shall make the appropriate employee and employer contributions required by the applicable retirement plan for that employee."

Page 85, line 18, following "July 1, 2005,":

Insert "and chooses under AS 39.35.705 to participate in the defined contribution retirement plan"

Representative Croft moved and asked unanimous consent that Amendment No. 8 be adopted.

Representative Kelly objected.

The question being: "Shall Amendment No. 8 be adopted?" The roll was taken with the following result:

HCS CSSB 141(FIN) am H
Second Reading
Amendment No. 8

YEAS: 21 NAYS: 19 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Harris, Hawker, Joule, Kapsner, Kerttula, Kott, LeDoux, Lynn, Ramras, Salmon, Weyhrauch

Nays: Chenault, Coghill, Elkins, Foster, Gatto, Holm, Kelly, Kohring, McGuire, Meyer, Moses, Neuman, Olson, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Wilson

And so, Amendment No. 8 was adopted.

Amendment No. 9 (amends Amendment No. 2, page 1480) was offered by Representative Seaton:

Following Section 136:

Insert a new bill section to read:

"* **Sec. 137.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT OF SEC. 136(a). Section 136(a) of this Act, which repeals AS 14.25.310 - 14.25.590; AS 39.30.300 - 39.30.495; and AS 39.35.700 - 39.35.990 on June 1, 2006, is effective only if no bill is enacted before May 31, 2006, that amends AS 14.25 or AS 39.35."

Renumber the following bill sections accordingly.

Conform bill section references accordingly.

Representative Seaton moved and asked unanimous consent that Amendment No. 9 be adopted.

Representative Berkowitz objected.

The question being: "Shall Amendment No. 9 be adopted?" The roll was taken with the following result:

HCS CSSB 141(FIN) am H
Second Reading
Amendment No. 9

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

Yeas: Anderson, 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, Weyhrauch, Wilson

Nays: Berkowitz

And so, Amendment No. 9 was adopted.

Amendment No. 10 was not offered.

Representative Weyhrauch lifted the call

The Speaker stated that, without objection, the House would recess to 1:30 p.m.; and so, the House recessed at 1:09 p.m.

AFTER RECESS

The Speaker called the House back to order at 1:47 p.m.

SENATE BILLS IN SECOND READING (continued)

SB 141

HCS CSSB 141(FIN) am H was before the House in second reading.

Amendment No. 11 was offered by Representatives Chenault, Wilson, and Seaton:

Page 119, following line 29:

Insert a new bill section to read:

*** Sec. 148.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONTINGENT EFFECT OF SECTIONS 1 - 147. (a) Sections 1 - 147 of this Act take effect only if the Twenty-Fourth Alaska State Legislature during its First Regular Session

(1) passes a version of a bill that amends AS 14.17.470 to increase the base student allocation to at least \$4,919 and that bill becomes law;

(2) passes a version of a bill that appropriates at least \$22,308,490 from the general fund to the Department of Education and Early Development for distribution to Alaska school districts and that appropriation becomes law; and

(3) passes a version of a bill increasing the existing district cost factors annually in AS 14.17.460 by 25 percent of the difference in the proposed district cost factors as recommended by the Institute of Social Economic Research in the report dated January 31, 2005, for FY 2006-2009.

(b) The commissioner of education and early development shall certify to the revisor of statutes whether the contingencies in (a) of this section have occurred."

Renumber the following bill sections accordingly.

Page 119, line 30:

Delete "Sections"

Insert "If they take effect under sec. 148 of this Act, secs."

Page 120, line 1:

Delete "Sections"

Insert "If they take effect under sec. 148 of this Act, secs."

Page 120, line 3:

Delete "Section"

Insert "If it takes effect under sec. 148 of this Act, sec."

Page 120, lines 4 - 5:

Delete all material and insert:

*** Sec. 152.** Section 148 of this Act takes effect immediately under AS 01.10.070(c).

*** Sec. 153.** Except as provided in secs. 149 - 152, if secs. 1 - 147 of this Act take effect under sec. 148 of this Act, this Act takes effect July 1, 2005."

Representative Chenault moved and asked unanimous consent that Amendment No. 11 be adopted.

Representative Rokeberg objected and stated that the amendment was out of order under Rule 35 of the Uniform Rules.

The Speaker ruled the amendment out of order.

Representative Chenault moved and asked unanimous consent to withdraw Amendment No. 11. There being no objection, it was so ordered.

Amendment No. 12 was offered by Representatives Seaton and Rokeberg:

Under Amendment No. 9:
Delete "May 31, 2006"
Insert "September 30, 2006"

Representative Seaton moved and asked unanimous consent that Amendment No. 12 be adopted.

Representative Kerttula objected and withdrew the objection. There being no further objection, Amendment No. 12 was adopted.

Representative McGuire moved and asked unanimous consent that the House rescind previous action in adopting Amendment No. 8.

Representative Croft objected.

Representative Berkowitz rose to a point of order.

The Speaker cautioned members to confine remarks to the motion.

The question being: "Shall the House rescind previous action in adopting Amendment No. 8?" The roll was taken with the following result:

HCS CSSB 141(FIN) am H
Second Reading
Rescind Previous Action/Amendment No. 8

YEAS: 22 NAYS: 18 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Foster, Gatto, Harris, Holm, Kapsner, Kelly, Kohring, McGuire, Meyer, Moses, Neuman, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Joule, Kerttula, Kott, LeDoux, Lynn, Olson, Salmon

And so, the motion passed.

Representative Croft moved and asked unanimous consent that Amendment No. 8 (page 1522) be adopted.

Representative Kelly objected.

Representative Kelly placed a call of the House on the bill.

The Speaker stated the call was satisfied.

The question being: "Shall Amendment No. 8 be adopted?" The roll was taken with the following result:

HCS CSSB 141(FIN) am H
Second Reading
Amendment No. 8

YEAS: 20 NAYS: 20 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Harris, Hawker, Joule, Kerttula, Kott, LeDoux, Lynn, Olson, Salmon, Weyhrauch

Nays: Chenault, Coghill, Elkins, Foster, Gatto, Holm, Kapsner, Kelly, Kohring, McGuire, Meyer, Moses, Neuman, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Wilson

And so, Amendment No. 8 was not adopted.

Amendment No. 5 was offered by Representative Anderson:

Page 67, line 30, following "AS 39.35.095 - 39.35.680":

Insert "However, AS 39.35.095 - 39.35.680 apply to a peace officer or fire fighter first hired on or after July 1, 2005."

Page 84, line 30, following "AS 39.35.940.":

Insert "AS 39.35.700 - 39.35.990 do not apply to a peace officer or fire fighter first hired on or after July 1, 2005. Under AS 39.35.095, AS 39.35.095 - 39.35.680 apply to those members."

Page 96, lines 12 - 14:

Delete all material and insert:

"(1) the member has at least 30 years of membership service; or"

Page 96, line 30, through page 97, line 1:

Delete all material and insert:

"(1) a member with at least 30 years of membership service and who retires directly from the plan;"

Page 100, line 9:

Delete "(j)"

Insert "(h)"

Page 101, lines 12 - 22:

Delete all material.

Reletter the following subsections accordingly.

Page 103, lines 1 - 6:

Delete "The monthly survivor's pension in (b) of this section for survivors of employees who were not peace officers or fire fighters is 40 percent of the employee's monthly compensation in the month in which the employee dies. The monthly survivor's pension in (b) of this section for survivors of employees who were peace officers or fire fighters is 50 percent of the monthly compensation in the month in which the employee dies."

Insert "The monthly survivor's pension in (b) of this section for survivors of employees is 40 percent of the employee's monthly compensation in the month in which the employee dies."

Representative Anderson moved and asked unanimous consent that Amendment No. 5 be adopted.

There was objection.

Representative Kelly lifted the call.

Representative Anderson moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that Representative Samuels be excused from a call of the House today to 4:00 p.m. There being no objection, it was so ordered.

Representative Anderson moved and asked unanimous consent that Amendment No. 5 (page 1529) be adopted.

Representative Dahlstrom objected.

Representative Kelly placed a call of the House on the bill.

The call was satisfied.

Representative Anderson moved and asked unanimous consent to withdraw Amendment No. 5. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 141(FIN) am H be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HCS CSSB 141(FIN) am H will advance to third reading on tomorrow's calendar.

The House reverted to:

SECOND READING OF HOUSE BILLS
(continued)

HB 279

The following was read the second time:

HOUSE BILL NO. 279

"An Act relating to encroachments in the right-of-way of a highway."

with the:	Journal Page
TRA RPT CS(TRA) 6DP	1280
FN1: ZERO(H.TRA/DOT)	1280
FIN RPT CS(FIN) 3DP 4NR	1322
FN1: ZERO(H.TRA/DOT)	1323

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. 279(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 279(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 279(FIN) was read the third time.

The question being: "Shall CSHB 279(FIN) pass the House?" The roll was taken with the following result:

CSHB 279(FIN)
Third Reading
Final Passage

YEAS: 32 NAYS: 1 EXCUSED: 1 ABSENT: 6

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

Nays: Rokeberg

Excused: Samuels

Absent: Berkowitz, Joule, Kohring, Kott, McGuire, Weyhrauch

And so, CSHB 279(FIN) passed the House and was referred to the Chief Clerk for engrossment.

RECONSIDERATION

HB 275

Representative Croft brought up reconsideration of the vote on CSHB 275(FIN) am (page 1471).

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 275(FIN) am

"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 Croft moved and asked unanimous consent that CSHB 275(FIN) am be returned to second reading for the specific purpose of considering Amendment No. 3. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representatives Croft, LeDoux, and Gardner:

Page 1, following line 13, insert:

(1) Anchorage: Lake Otis-Tudor intersection	\$4,300,000
(2) Kodiak: Rezanof Drive rehabilitation, lighting and intersection safety improvements"	4,300,000

Renumber the following accordingly.

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

Representative Rokeberg objected.

Representative Croft placed a call of the House.

The Speaker stated the call was satisfied.

Amendment No. 1 to Amendment No. 3 was offered by Representatives Rokeberg, Samuels, and McGuire:

Following "improvements", insert:

"(3) Anchorage: Strawberry Road-Jewel Lake intersection	1,300,000
(4) Anchorage: Raspberry Road extension	2,400,000
(5) Anchorage: Eagle River/Chugiak Road and drainage rehabilitation	1,000,000
(6) Anchorage: Girdwood Road Service Area Road and drainage	500,000
(7) Anchorage: Gambell Street/Ingra Street extension	10,000,000
(8) Anchorage: planning and development of Hillside transportation and infrastructure	250,000
(9) Anchorage: 100th Avenue extension	10,000,000
(10) Anchorage: Arctic Boulevard pavement rehabilitation	1,100,000
(11) Anchorage: Arctic Boulevard reconstruction	9,800,000
(12) Anchorage: Dowling Road extension (Minnesota Drive to Old Seward Highway)	40,000,000
(13) Anchorage: John Road upgrade and reconstruction	6,000,000
(14) Anchorage: Victor Road upgrade	9,000,000"

Representative Rokeberg moved and asked unanimous consent that Amendment No. 1 to Amendment No. 3 be adopted.

Representative Berkowitz objected.

The question being: "Shall Amendment No. 1 to Amendment No. 3 be adopted?" The roll was taken with the following result:

CSHB 275(FIN) am--RECONSIDERATION

Second Reading

Amendment No. 1 to Amendment No. 3

YEAS: 8 NAYS: 31 EXCUSED: 1 ABSENT: 0

Yeas: Elkins, Foster, Hawker, Kott, McGuire, Rokeberg, Seaton, Wilson

Nays: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, LeDoux, Lynn, Meyer, Moses, Neuman, Olson, Ramras, Salmon, Stoltze, Thomas, Weyhrauch

Excused: Samuels

Kapsner changed from "Yea" to "Nay".

And so, Amendment No. 1 to Amendment No. 3 was not adopted.

The call was lifted.

The Speaker stated that, without objection, the House would recess to 6:30 p.m.; and so, the House recessed at 4:30 p.m.

AFTER RECESS

The Speaker called the House back to order at 7:46 p.m.

RECONSIDERATION

(continued)

HB 275

CSHB 275(FIN) am was again before the House.

Amendment No. 2 to Amendment No. 3 was offered by Representative Wilson:

Following "improvements", insert:

"(3) Wrangell: Heritage Harbor 2,000,000"

Representative Wilson moved and asked unanimous consent that Amendment No. 2 to Amendment No. 3 be adopted.

Representative Meyer objected.

Representative Wilson moved and asked unanimous consent to withdraw Amendment No. 2 to Amendment No. 3. There being no objection, it was so ordered.

Representative Croft placed a call of the House.

**The presence of Representative Samuels, who was previously excused (page 1531), was noted.

The Speaker stated the call was satisfied.

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

CSHB 275(FIN) am--RECONSIDERATION

Second Reading

Amendment No. 3

YEAS: 21 NAYS: 19 EXCUSED: 0 ABSENT: 0

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

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

Guttenberg changed from "Nay" to "Yea".

And so, Amendment No. 3 was adopted.

Representative Guttenberg moved and asked unanimous consent that CSHB 275(FIN) am be returned to second reading for the specific

purpose of considering Amendment No. 4. There being no objection, it was so ordered.

Amendment No. 4 was offered by Representative Guttenberg:

Following "improvements", insert:

"(1) Denali Borough: Cantwell Community Trails"	\$2,900,000
---	-------------

Renumber the following accordingly.

Representative Guttenberg moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Meyer objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

CSHB 275(FIN) am--RECONSIDERATION

Second Reading

Amendment No. 4

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

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, LeDoux, Neuman, Salmon, Wilson

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

And so, Amendment No. 4 was not adopted.

Representative Rokeberg moved and asked unanimous consent that CSHB 275(FIN) am be returned to second reading for the specific purpose of considering Amendment No. 5. There being no objection, it was so ordered.

HOUSE JOURNAL

1538

May 4, 2005

Amendment No. 5 was offered by Representatives Rokeberg, Samuels, and McGuire:

Page 2, following line 1, insert:

"(3) Anchorage: Strawberry Road-Jewel Lake intersection	1,300,000
(4) Anchorage: Raspberry Road extension	2,400,000
(5) Anchorage: Planning and development of Hillside transportation and infrastructure"	250,000

Re-number the following accordingly.

Representative Rokeberg moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative Meyer objected.

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

CSHB 275(FIN) am--RECONSIDERATION

Second Reading

Amendment No. 5

YEAS: 22 NAYS: 18 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Berkowitz, Cissna, Crawford, Dahlstrom, Elkins, Gara, Gardner, Gruenberg, Guttenberg, Harris, Hawker, Joule, Kapsner, Kerttula, Kott, Lynn, McGuire, Rokeberg, Samuels, Thomas, Wilson

Nays: Chenault, Coghill, Croft, Foster, Gatto, Holm, Kelly, Kohring, LeDoux, Meyer, Moses, Neuman, Olson, Ramras, Salmon, Seaton, Stoltze, Weyhrauch

And so, Amendment No. 5 was adopted.

CSHB 275(FIN) am was automatically in third reading.

The Speaker stated that, without objection, CSHB 275(FIN) am would be held in third reading under reconsideration to tomorrow's calendar.

The Speaker stated that, without objection, the House would revert to:

MESSAGES FROM THE GOVERNOR

A letter dated May 4, 2005, was read stating that, in accordance with AS 39.05.080, the Governor submits the following name for legislative confirmation of appointment to the position noted.

The Speaker referred the following to the Health, Education & Social Services Committee:

University of Alaska Board of Regents

Tim Brady - Anchorage

Appointed: 5/4/2005 Term Expires: 2/1/2007

A resume for the appointment is on file in the Chief Clerk's office.

REPORTS OF STANDING COMMITTEES

HB 283

The Finance Committee has considered:

HOUSE BILL NO. 283

"An Act relating to the compensation for board members of the Alaska Housing Finance Corporation; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 283(STA)

(same title)

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

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

No recommendation (3): Stoltze, Kelly, Moses

The following fiscal note(s) apply to CSHB 283(STA):

2. Fiscal, Dept. of Revenue

HB 283 was referred to the Rules Committee for placement on the calendar.

SB 130

The Labor & Commerce Committee has considered:

CS FOR SENATE BILL NO. 130(FIN) am

"An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to

attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task Force on Workers' Compensation; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 130(L&C)
(forthcoming)

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

Do pass (2): Kott, LeDoux

No recommendation (3): Crawford, Lynn, Guttenberg

Amend (2): Rokeberg, Anderson

The following fiscal note(s) apply to HCS CSSB 130(L&C):

5. Zero, Alaska Court System
7. Zero, Dept. of Commerce, Community, & Economic Development
8. Fiscal, Dept. of Labor & Workforce Development
9. Zero, Legislative Agency

CSSB 130(FIN) am was referred to the Judiciary Committee.

SB 154

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 154(JUD)

"An Act relating to the jurisdiction for proceedings relating to delinquent minors and to telephonic and televised participation in those proceedings; amending Rules 2, 3, 4, 8, 12, 13, 14, 15, 16, 21, 22, 23, 24.1, and 25, Alaska Delinquency Rules; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 154(JUD)
(same title)

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

Do pass (5): Gruenberg, Anderson, Dahlstrom, Coghill, McGuire

No recommendation (1): Gara

The following fiscal note(s) apply to HCS CSSB 154(JUD):

2. Zero, Dept. of Law
3. Zero, Dept. of Health & Social Services
4. Zero, Senate Judiciary Committee
5. Indeterminate, Dept. of Administration

CSSB 154(JUD) was referred to the Finance Committee.

SB 155

The Finance Committee has considered:

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."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 155(FIN)
(forthcoming)

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

Do pass (5): Hawker, Foster, Stoltze, Meyer, Chenault

No recommendation (3): Holm, Moses, Kelly

Amend (1): Weyhrauch

CSSB 155(FIN) was referred to the Rules Committee for placement on the calendar.

SB 158

The Finance 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 Representatives Meyer and Chenault, Co-chairs, with the following individual recommendations:

Do pass (5): Hawker, Holm, Stoltze, Meyer, Chenault

No recommendation (4): Weyhrauch, Kelly, Moses, Joule

The following fiscal note(s) apply:

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

SB 158 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES**HB 297**

The House Special Committee on Oil & Gas has considered:

HOUSE BILL NO. 297

"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 other leases or properties in the state and, conditionally, for exploration expenditures made in the Alaska Peninsula competitive oil and gas areawide lease sale area; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 297(O&G)
(forthcoming)

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

Do pass (4): Gardner, Rokeberg, Samuels, Kohring

The following fiscal note(s) apply to CSHB 297(O&G):

1. Indeterminate, Dept. of Revenue

HB 297 was referred to the Finance Committee.

The Speaker stated that, without objection, the House would move down the calendar to consider CSHB 272(FIN).

CONSIDERATION OF THE DAILY CALENDAR

(continued)

HOUSE BILLS IN THIRD READING**HB 272**

The following, which was held over from the May 3, 2005, calendar (page 1490), was again before the House:

CS FOR HOUSE BILL NO. 272(FIN)

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

Representative Kott moved and asked unanimous consent that CSHB 272(FIN) be returned to second reading for all amendments. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Crawford:

Page 9, line 9, following "person":

Insert "that is a charitable organization, a civic organization, or a service organization, as those terms are defined in AS 05.15.690,"

Page 9, lines 19 - 21:

Delete "if the applicant is an individual, two sets of the individual's fingerprints;

(3) if the applicant is not an individual,"

Page 10, line 6, following "information;":

Insert "or"

Page 10, lines 7 - 9:

Delete "is an officer, a director, or a managerial employee of a person described in (1) or (2) of this subsection; or

(4) employs an individual described in (1), (2), or (3)"

Insert "employs an individual described in (1) or (2)"

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

There was objection.

Representative Crawford moved and asked unanimous consent to withdraw Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representative Crawford:

Page 9, line 15:

Delete "\$25,000"

Insert "\$250"

Page 11, line 1:
Delete "\$10,000"
Insert "\$100"

Page 11, line 3:
Delete "\$10,000"
Insert "\$100"

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

Representative Kott objected.

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

CSHB 272(FIN)
Second Reading
Amendment No. 2

YEAS: 8 NAYS: 30 EXCUSED: 0 ABSENT: 2

Yeas: Cissna, Coghill, Crawford, Croft, Dahlstrom, Gara, Guttenberg, Kerttula

Nays: Anderson, Chenault, Elkins, Foster, Gardner, Gatto, Gruenberg, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Absent: Berkowitz, Rokeberg

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was offered by Representatives Salmon, Gruenberg, and Weyhrauch:

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

Insert ", **and permitting issuance of a license to own a card room and conduct card games in a municipality of the state if the**

municipality has adopted an ordinance, ratified by a majority of the municipal voters voting on the question, authorizing card rooms and card games in that municipality"

Page 9, line 12, following "information":

Insert "if the municipality has adopted an ordinance, ratified by a majority of the municipal voters voting on the question, authorizing card rooms and card games in that municipality"

Page 13, lines 4 - 8:

Delete all material.

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

Representative Kott objected.

Amendment to Amendment No. 3 was offered by Representative Anderson:

Under Page 1, line 1 (title amendment):

Delete "**adopted**"

Insert "**rejected**"

Delete "**authorizing**"

Insert "**rejecting**"

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

Representative Gruenberg objected.

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

CSHB 272(FIN)

Second Reading

Amendment to Amendment No. 3

YEAS: 9 NAYS: 31 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Chenault, Hawker, Joule, Kohring, Kott, LeDoux, Moses, Salmon

Nays: Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Holm, Kapsner, Kelly, Kerttula, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

And so, Amendment to Amendment No. 3 was not adopted.

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

CSHB 272(FIN)
Second Reading
Amendment No. 3

YEAS: 22 NAYS: 17 EXCUSED: 0 ABSENT: 1

Yeas: Anderson, Berkowitz, Cissna, Coghill, Croft, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Kelly, LeDoux, Lynn, McGuire, Neuman, Olson, Salmon, Seaton, Stoltze, Weyhrauch, Wilson

Nays: Chenault, Crawford, Dahlstrom, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kerttula, Kohring, Kott, Meyer, Moses, Rokeberg, Samuels, Thomas

Absent: Ramras

Moses changed from "Yea" to "Nay".

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

CS FOR HOUSE BILL NO. 272(FIN) am

"An Act relating to card rooms and card operations, and permitting issuance of a license to own a card room and conduct card games in a municipality of the state if the municipality has adopted an ordinance, ratified by a majority of the municipal voters voting on the question, authorizing card rooms and card games in that municipality."

Amendment No. 4 was not offered.

Amendment No. 5 was offered by Representative Salmon:

Page 9, lines 9 - 13:

Delete all material and insert:

"Sec. 05.18.200. Owner's licenses. (a) The department may issue to a person a license to own a card room and conduct card games. If the population of a municipality is less than 30,000, only one owner's license may be issued in the municipality. If the population of a municipality is 30,000 or more, the total number of owner's licenses issued in the municipality may not exceed the total population of the municipality divided by 30,000. The population of a municipality under this subsection shall be determined by the most recent federal census information."

Representative Salmon moved and asked unanimous consent that Amendment No. 5 be adopted.

There was objection.

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

CSHB 272(FIN) am

Second Reading

Amendment No. 5

YEAS: 14 NAYS: 18 EXCUSED: 0 ABSENT: 8

Yeas: Cissna, Croft, Elkins, Gara, Gardner, Harris, Hawker, Kapsner, Kott, LeDoux, Meyer, Salmon, Thomas, Weyhrauch

Nays: Chenault, Coghill, Crawford, Dahlstrom, Foster, Gatto, Gruenberg, Guttenberg, Kelly, Kerttula, Lynn, Neuman, Olson, Ramras, Rokeberg, Seaton, Stoltze, Wilson

Absent: Anderson, Berkowitz, Holm, Joule, Kohring, McGuire, Moses, Samuels

And so, Amendment No. 5 was not adopted.

Amendment No. 6 was not offered.

Amendment No. 7 was offered by Representative Crawford:

Page 10, following line 6:

Insert a new paragraph to read:

"(3) has previously had their license to operate a gambling facility or activity revoked in the state of Alaska or any other state or territory of the United States;"

Renumber the following paragraphs accordingly.

Page 10, line 8:

Delete "or (2)"

Insert ", (2), or (3)"

Page 10, line 9:

Delete "or (3)"

Insert "(3), or (4)"

Representative Crawford moved and asked unanimous consent that Amendment No. 7 be adopted.

Representative Gruenberg objected.

Amendment to Amendment No. 7 was offered by Representative Gruenberg:

Following "United States":

Insert "or in any other jurisdiction"

Representative Gruenberg moved and asked unanimous consent that Amendment to Amendment No. 7 be adopted. There being no objection, it was so ordered.

There being no further objection, Amendment No. 7 as amended was adopted.

Amendment No. 8 was offered by Representative Crawford:

Page 16, line 6 through Page 17, line 13:
Delete all material.

Representative Crawford moved and asked unanimous consent that Amendment No. 8 be adopted.

Representative Kott objected.

The question being: "Shall Amendment No. 8 be adopted?" The roll was taken with the following result:

CSHB 272(FIN) am
Second Reading
Amendment No. 8

YEAS: 22 NAYS: 16 EXCUSED: 0 ABSENT: 2

Yeas: Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Kerttula, LeDoux, Lynn, McGuire, Neuman, Olson, Ramras, Salmon, Seaton, Stoltze, Wilson

Nays: Chenault, Elkins, Foster, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kohring, Kott, Meyer, Rokeberg, Samuels, Thomas, Weyhrauch

Absent: Anderson, Moses

Ramras changed from "Nay" to "Yea".

And so, Amendment No. 8 was adopted.

Amendment No. 9 was offered by Representative Coghill:

Page 1, line 12:
Delete "Notwithstanding AS 11.66, a:"
Insert "A"

Page 17, line 11, following ";":
Delete "or"

Page 17, line 13, following "jurisdiction":
Insert "; or
(4) a felony in violation of AS 11.66"

Representative Coghill moved and asked unanimous consent that Amendment No. 9 be adopted.

Representative Kott objected and withdrew the objection. There being no further objection, Amendment No. 9 was adopted.

Amendment No. 10 was offered by Representative Coghill:

Page 2, line 21, following "department." through line 23:
Delete all material.

Representative Coghill moved and asked unanimous consent that Amendment No. 10 be adopted.

Representative Kott objected and withdrew the objection. There being no further objection, Amendment No. 10 was adopted.

Amendment No. 11 was not offered.

Amendment No. 12 was offered by Representatives Coghill, Dahlstrom, Wilson, and Gruenberg:

Page 8, line 28, through page 9, line 7:
Delete all material and insert:

"Sec. 05.18.190. Department records. All records pertaining to licenses, applications, and activities authorized under this chapter are public records and may be inspected and copied subject to AS 40.25.110 and 40.25.120."

Representative Coghill moved and asked unanimous consent that Amendment No. 12 be adopted. There being no objection, it was so ordered.

Amendment No. 13 was offered by Representatives Wilson, Coghill, Dahlstrom, and Gruenberg:

Page 5, following line 20:

Insert a new paragraph to read:

"(4) a statement of whether the applicant has applied for or held any other licenses related to card rooms or card operations,

and if so, the state or other licensing jurisdiction, the date of application, the license number if a license was issued, or in the case of an unsuccessful application, the reason the license was not issued;"

Renumber the following paragraphs accordingly.

Page 15, line 2, following "has":

Insert "applied for or"

Page 15, line 3, following "card rooms":

Insert ", and, if so, the state or other licensing jurisdiction, the date of application, the license number if a license was issued, or in the case of an unsuccessful application, the reason the license was not issued"

Representative Gruenberg moved and asked unanimous consent that Amendment No. 13 be adopted. There being no objection, it was so ordered.

Amendment No. 14 was offered by Representatives Dahlstrom, Gruenberg, Lynn, and Wilson:

Page 17, line 16:

Delete "knowingly"

Page 17, line 17, following "(1)":

Insert "with criminal negligence"

Page 17, line 19, following "(2)":

Insert "with criminal negligence owns or"

Page 17, line 21, following "(3)":

Insert "with criminal negligence"

Page 17, line 22, following "(4)":

Insert "recklessly"

Page 17, line 23, following "room;":
Insert "or"

Page 17, lines 24 - 25:
Delete all material.

Page 17, line 26:
Delete "(6)"
Insert "(5) knowingly"

Page 19, line 11, following "this chapter":
Insert ";
(14) knowingly owns or operates a card operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this chapter.
(c) A person who violates (a) of this section is guilty of a class C felony if, within the five years preceding the violation, the person has been previously convicted under
(1) this section; or
(2) a law or ordinance of this or another jurisdiction with elements substantially similar to this section"

Page 19, line 21, following "**Definitions.**":
Insert "(a)"

Page 20, lines 2 - 3:
Delete all material.

ReNUMBER the following paragraphs accordingly.

Page 20, following line 11:
Insert a new subsection to read:
"(b) In this chapter, the terms "intentionally," "knowingly," "recklessly," and "with criminal negligence" have the meanings given in AS 11.81.900(a)."

Representative Gruenberg moved and asked unanimous consent that Amendment No. 14 be adopted.

Objection was heard and withdrawn. There being no further objection, Amendment No. 14 was adopted.

Amendment No. 15 was offered by Representatives Weyhrauch and Gruenberg:

Page 19, following line 20:

Insert new material to read:

"Sec. 05.18.510. Gross receipts tax. (a) A tax is imposed on the gross receipts received from card room operations authorized under this chapter at the rate of 3 percent of the amount of the gross receipts.

(b) The licensed owner shall remit the tax imposed by this section to the department before the close of the business day following the day the wagers are made.

(c) The department may require payment under this section to be made by electronic funds transfer.

(d) If the department requires taxes to be remitted under this section by electronic funds transfer, the department may allow the licensed owner to file a monthly report to reconcile the amounts remitted to the department."

Page 19, line 31, through page 20, line 1:

Delete all material and insert:

"(6) "gross receipts" means the total of all cash and property, including checks received by a licensee, whether collected or not, received by a licensee from card operations;"

Representative Weyhrauch moved and asked unanimous consent that Amendment No. 15 be adopted.

Representative Cissna objected.

The question being: "Shall Amendment No. 15 be adopted?" The roll was taken with the following result:

CSHB 272(FIN) am
Second Reading
Amendment No. 15

YEAS: 10 NAYS: 29 EXCUSED: 0 ABSENT: 1

HOUSE JOURNAL

1556

May 4, 2005

Yeas: Coghill, Dahlstrom, Gatto, Gruenberg, Guttenberg, LeDoux, Lynn, Seaton, Weyhrauch, Wilson

Nays: Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Elkins, Foster, Gara, Gardner, Harris, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Stoltze, Thomas

Absent: Moses

And so, Amendment No. 15 was not adopted.

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

Representative Coghill moved and asked unanimous consent that Representative Moses be excused from a call of the House for the remainder of this legislative day. There being no objection, it was so ordered.

Amendment No. 16 was not offered.

CSHB 272(FIN) am was automatically in third reading.

The question being: "Shall CSHB 272(FIN) am pass the House?" The roll was taken with the following result:

CSHB 272(FIN) am

Third Reading

Final Passage

YEAS: 23 NAYS: 16 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, Croft, Elkins, Foster, Gruenberg, Harris, Hawker, Holm, Joule, Kapsner, Kohring, Kott, LeDoux, McGuire, Meyer, Olson, Ramras, Rokeberg, Salmon, Samuels, Thomas

Nays: Cissna, Coghill, Crawford, Dahlstrom, Gara, Gardner, Gatto, Guttenberg, Kelly, Kerttula, Lynn, Neuman, Seaton, Stoltze, Weyhrauch, Wilson

Excused: Moses

And so, CSHB 272(FIN) am passed the House.

Representative Dahlstrom gave notice of reconsideration of the vote on CSHB 272(FIN) am.

The House reverted to:

SECOND READING OF HOUSE BILLS

(continued)

HB 293

The following was read the second time:

HOUSE BILL NO. 293

"An Act relating to a borough sales tax exemption for a source that is taxed by a city in that borough."

with the:

Journal Page

CRA RPT 3DP 2NR

1460

FN1: ZERO(CED)

1460

Representative Coghill moved and asked unanimous consent that HB 293 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 293 was read the third time.

The question being: "Shall HB 293 pass the House?" The roll was taken with the following result:

HB 293

Third Reading

Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 1 ABSENT: 4

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

Excused: Moses

Absent: Berkowitz, Gara, Meyer, Salmon

And so, HB 293 passed the House.

Representative Kohring later gave notice of reconsideration of the vote on HB 293, and reconsideration was taken up then.

SECOND READING OF SENATE BILLS

SB 67

The following was read the second time:

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

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

with the:	Journal Page
JUD RPT HCS(JUD) 2DP 3DNP 1NR 1AM	1216
FN1: ZERO(LAW)	1217
FN2: ZERO(CED)	1217
FIN RPT HCS(FIN) 3DP 1DNP 5NR 1AM	1324
FN1: ZERO(LAW)	1325
FN2: ZERO(CED)	1325
CORRECTED FIN RPT HCS(FIN) 3DP 1DNP 5NR	1418
FN1: ZERO(LAW)	1419
FN2: ZERO(CED)	1419
FN3: INDETERMINATE(HSS)	1419

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

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

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 67(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HCS CSSB 67(FIN) will advance to third reading on tomorrow's calendar.

RECONSIDERATION

HB 293

Representative Kohring gave notice of reconsideration of the vote on HB 293 (page 1557).

Representative Kohring moved and asked unanimous consent that reconsideration of HB 293 be taken up on the same day. There being no objection, it was so ordered.

The following was again before the House in third reading:

HOUSE BILL NO. 293

"An Act relating to a borough sales tax exemption for a source that is taxed by a city in that borough."

The question to be reconsidered: "Shall HB 293 pass the House?"
The roll was taken with the following result:

HB 293--RECONSIDERATION

Third Reading

Final Passage

YEAS: 33 NAYS: 0 EXCUSED: 1 ABSENT: 6

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

Excused: Moses

Absent: Chenault, Hawker, Holm, Kott, Meyer, Ramras

And so, HB 293 passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

HB 148

Representative Kerttula gave notice of reconsideration of the vote on CSHB 148(JUD) (page 1511).

Representative Stoltze moved and asked unanimous consent that reconsideration of CSHB 148(JUD) be taken up on the same day. There being no objection, it was so ordered.

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 148(JUD)

"An Act relating to human trafficking; and providing for an effective date."

The question to be reconsidered: "Shall CSHB 148(JUD) pass the House?" The roll was taken with the following result:

CSHB 148(JUD)--RECONSIDERATION

Third Reading

Final Passage

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

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

Excused: Moses

Absent: Chenault, Meyer

And so, CSHB 148(JUD) passed the House on reconsideration.

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 148(JUD) was referred to the Chief Clerk for engrossment.

CONSIDERATION OF THE DAILY CALENDAR
(continued)

SECOND READING OF HOUSE RESOLUTIONS

HCR 13

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 13

Expressing the legislature's support for the construction of a natural gas spur pipeline between Fairbanks and the Nenana Basin and Southcentral Alaska, commending the interest and initiative of the sponsors of that project, and encouraging the appropriate state resource agencies to lend support to those efforts.

with the:	Journal Page
RES RPT CS(RES) 3DP 4NR	1455
FN1: ZERO(LEG)	1455

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

CS FOR HOUSE CONCURRENT RESOLUTION NO. 13(RES)
(same title)

There being no objection, it was so ordered.

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

The question being: "Shall CSHCR 13(RES) pass the House?" The roll was taken with the following result:

CSHCR 13(RES)
Second Reading
Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 1 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, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Moses

Absent: Kelly, Meyer

And so, CSHCR 13(RES) passed the House and was referred to the Chief Clerk for engrossment.

HCR 16

The Speaker stated that, without objection, the following would be held to tomorrow's calendar:

HOUSE CONCURRENT RESOLUTION NO. 16

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 141, 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.

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 - Juneau-Douglas High School, Alaska Regional Ocean Science Bowl 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 - Eagle Scouts, Terrence Carlson, Jared Forbes, Kurt Romberg, and Tyler Wehrli

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

Honoring - Cook Inlet Academy Boys Basketball Team

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

Honoring - Hoonah Braves Boys Basketball Team

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

Honoring - Mildred Austin Jack

By Senator Kookesh; Representatives Thomas, 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, Seaton, Stoltze, Weyhrauch, Wilson

Honoring - Bing Santamour and Michael Shantz

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

UNFINISHED BUSINESS**HCR 13**

Representative Neuman added his name as cosponsor to:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 13(RES)

Expressing the legislature's support for the construction of a natural gas spur pipeline between Fairbanks and the Nenana Basin and Southcentral Alaska, commending the interest and initiative of the sponsors of that project, and encouraging the appropriate state resource agencies to lend support to those efforts.

HB 148

Representatives Lynn, Berkowitz, and Gardner added their names as cosponsors to:

CS FOR HOUSE BILL NO. 148(JUD)

"An Act relating to human trafficking; and providing for an effective date."

HB 277

Representatives McGuire and Weyhrauch added their names as cosponsors to:

HOUSE BILL NO. 277

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

The following were added as cosponsors (page 1515):

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

SB 20

Representative Lynn added his name as cross sponsor to:

CS FOR SENATE BILL NO. 20(JUD)

"An Act relating to offenses against unborn children."

SB 154

Representative Hawker added his name as cross sponsor to:

CS FOR SENATE BILL NO. 154(JUD)

"An Act relating to the jurisdiction for proceedings relating to delinquent minors and to telephonic and televised participation in those proceedings; amending Rules 2, 3, 4, 8, 12, 13, 14, 15, 16, 21, 22, 23, 24.1, and 25, Alaska Delinquency Rules; and providing for an effective date."

SB 174

Representative Foster added his name as cross sponsor to:

SENATE BILL NO. 174

"An Act excluding certain trucks from the definition of 'passenger vehicle' for purposes of the passenger vehicle rental tax; and providing for an effective date."

ENGROSSMENT**HCR 13**

CSHCR 13(RES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 148

CSHB 148(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 277

HB 277 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 279

CSHB 279(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 293

HB 293 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 5, 2005. There being no objection, the House adjourned at 10:10 p.m.

Suzi Lowell
Chief Clerk