

**HOUSE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-FOURTH LEGISLATURE**  
**FIRST SPECIAL SESSION**

**Juneau, Alaska**

**Monday**

**May 23, 2005**

**Thirteenth Day**

Pursuant to adjournment the House was called to order by Speaker Harris at 11:18 a.m.

Roll call showed 35 members present. Representative Kott had been previously excused from a call of the House today. Representatives Anderson, Kerttula, and McGuire were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Kapsner be excused from a call of the House today to 3:00 p.m. There being no objection, it was so ordered.

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

With respect for all the beliefs in this body I offer this prayer.

Our Father in heaven, we thank You for this great country and great state that we are blessed to live in. We thank You for the health and the strength that most of us enjoy, and we are mindful of those who are suffering or who have family members who are suffering, and we pray for them. Please bless them with calm and with the strength they need to endure their individual situations.

Father, please bless our families and the loved ones who are supporting us as we endeavor to serve the people of Alaska.

Father, bless us with wisdom, with compassion, and with understanding of our differences as we serve in this body. Bless the men and women who are serving our country and please watch over their families who are left behind and who are supporting them.

Father, we give Thee thanks and we ask for these blessings in Thy name. Amen.

The Pledge of Allegiance was led by Representative Samuels.

### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 12th legislative day of the First Special Session be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

The Speaker stated that, without objection, the House would recess to 3:00 p.m.; and so, the House recessed at 11:23 a.m.

### **AFTER RECESS**

The Speaker called the House back to order at 5:16 p.m.

\*\*The presence of Representatives Kerttula was noted.

\*\*The presence of Representative Kapsner, who was excused (page 2093), was noted.

### **UNFINISHED BUSINESS**

#### **SB 141**

Representative Coghill moved and asked unanimous consent that the House consider the 2d Free Conference Committee report (page 2076) on the following, which is under Unfinished Business:

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."

and

CS FOR SENATE BILL NO. 141(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Berkowitz moved the effective date clause in Sec. 148 of FCCS SB 141(2d FCC).

\*\*The presence of Representatives McGuire and Anderson was noted.

The Speaker stated that, without objection, the House would recess to a call of the Chair; and so, the House recessed at 5:54 p.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 6:40 p.m.

**UNFINISHED BUSINESS**

(continued)

**SB 141**

Representative Coghill moved to table the motion to adopt the effective date clause in Sec. 148 of FCCS SB 141(2d FCC).

Representative Berkowitz moved to amend the motion to table until after the vote on the capital budget.

Representative Kelly placed a call of the House.

The call was satisfied.

The Speaker ruled the motion to amend out of order stating the motion to table was not amendable.

The question being: "Shall the House table the motion to adopt the effective date clause in Sec. 148 of FCCS SB 141(2d FCC)?" The roll was taken with the following result:

FCCS SB 141(2d FCC)

Adopt Effective Date Clause, Sec. 148

Table

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

Yeas: Anderson, Chenault, Coghill, Dahlstrom, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kelly, Kohring, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Salmon

Excused: Kott

And so, the motion passed.

Representative Coghill moved that the House adopt the 2d Free Conference Committee report, thus adopting FCCS SB 141(2d FCC).

The question being: "Shall the House adopt the 2d Free Conference Committee report?" The roll was taken with the following result:

FCCS SB 141(2d FCC)

Adopt

**YEAS: 21 NAYS: 18 EXCUSED: 1 ABSENT: 0**

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

Nays: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Joule, Kerttula, LeDoux, Lynn, McGuire, Salmon, Weyhrauch

Excused: Kott

And so, the House adopted the 2d Free Conference Committee report, thus adopting:

FREE CONFERENCE CS FOR SENATE BILL NO. 141(2d FCC)

"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, 2006; 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."

(technical title change)

Representative Coghill moved the effective date clauses.

Representative Berkowitz objected.

Representative Berkowitz moved and asked unanimous consent that the question be divided.

The Speaker ruled that the question was divisible. There being no objection, the question of the effective date clauses was divided.

Representative Berkowitz moved that the effective date clauses, with the exception of Sec. 148, be adopted.

The question being: "Shall the effective date clauses in Sec. 147, Sec. 149, Sec. 150, and Sec. 151 be adopted?" The roll was taken with the following result:

FCCS SB 141(2d FCC)

Adopt

Effective Date/Sec. 147, Sec. 149, Sec. 150, and Sec. 151

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

Yeas: Anderson, Chenault, Coghill, Croft, Dahlstrom, Elkins, Foster, Gatto, Harris, Hawker, Holm, Joule, Kelly, Kohring, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Berkowitz, Cissna, Crawford, Gara, Gardner, Gruenberg, Guttenberg, Kapsner, Kerttula, Salmon

Excused: Kott

Gara changed from "Yea" to "Nay".

And so, the effective date clauses in Sec. 147, Sec. 149, Sec. 150, and Sec. 151 were adopted.

Without objection, the motion to adopt the effective date clause in Sec. 148, which was tabled (page 2096), was before the House.

The question being: "Shall the effective date clause in Sec. 148 be adopted?" The roll was taken with the following result:

FCCS SB 141(2d FCC)

Adopt

Effective Date/Sec. 148

**YEAS: 28 NAYS: 11 EXCUSED: 1 ABSENT: 0**

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

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gardner, Gruenberg, Guttenberg, Joule, Kerttula, Salmon

Excused: Kott

And so the effective date clause in Sec. 148 was adopted.

The Chief Clerk notified the Senate.

Representative Croft moved and asked unanimous consent that the House revert to Introduction, First Reading, and Reference of House Bills. There being no objection, the House reverted to:

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

#### **HB 1001**

HOUSE BILL NO. 1001 by Representatives Crawford, Croft, Gara, and Guttenberg, entitled:

"An Act relating to retirement benefits and the Public Employment Relations Act."

was read the first time and referred to the State Affairs and Finance Committees.

**CONSIDERATION OF THE DAILY CALENDAR****THIRD READING OF SENATE BILLS****SB 46**

The following, which was on yesterday's calendar and not taken up (page 2090), was not taken up this legislative day and will be on tomorrow's calendar:

HOUSE CS FOR 2d CS FOR SENATE BILL NO. 46(FIN)

"An Act making and amending appropriations, including capital appropriations, supplemental appropriations, reappropriations, and appropriations to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date

**ENGROSSMENT AND ENROLLMENT****HR 8**

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:45 p.m., May 23, 2005:

HOUSE RESOLUTION NO. 8 am

Establishing the House Task Force on Alaska Gaming Policy to consider the establishment of a gaming commission and study gaming activities in the state; and providing for a report of the findings to the Alaska Legislative Council.

The following memorandum, dated May 20, 2005, was received from Patty Rose, Enrolling Secretary, Division of Legal and Research Services:

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest errors in HR 8 am, which have been corrected in enrolling:



Page 2, line 28:

Delete "who"

Insert "that"

Page 2, line 29:

Delete "not less"

Insert "at least"

Delete "veteran's"

Insert "veterans"

Page 2, line 31:

Delete "not less"

Insert "at least"

### **HR 9**

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:45 p.m., May 23, 2005:

#### **HOUSE RESOLUTION NO. 9**

Relating to the plans of the United States Postal Service to discontinue air shipment of bypass mail between Fairbanks, Alaska, and Barrow, Alaska.

### **ENROLLMENT**

### **HCR 7**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:45 p.m., May 23, 2005:

#### **CS FOR HOUSE CONCURRENT RESOLUTION NO. 7(RES)**

Urging the governor to direct the division of oil and gas, Department of Natural Resources, to undertake a comprehensive review of the subject of Cook Inlet oil and gas platform abandonment for the purpose of developing new oil and gas platform abandonment regulations and their adoption and implementation.

**HCR 9**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:45 p.m., May 23, 2005:

HOUSE CONCURRENT RESOLUTION NO. 9  
Proclaiming Alaska Agriculture Day for 2005 and 2006.

**HCR 10**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:45 p.m., May 23, 2005:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 10(RES)  
Supporting the development of the Kensington Gold Mine.

**HCR 11**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:45 p.m., May 23, 2005:

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

**HJR 20**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:45 p.m., May 23, 2005:

HOUSE JOINT RESOLUTION NO. 20  
Urging the United States Congress and the United States Food and Drug Administration to assist in the prompt approval of new drug applications for the treatment of prostate cancer.

The following memorandum, dated May 18, 2005, was received from Patty Rose, Enrolling Secretary, Division of Legal and Research Services:

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest error in HJR 20, which has been corrected in enrolling:

Page 2, line 18, following "of":

Insert "the""

### **HB 293**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:45 p.m., May 23, 2005:

#### **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."

### **ANNOUNCEMENTS**

House committee schedules are published daily under separate cover.

The following meetings today have been changed as indicated:

Conference Committee      Capitol 532      8:00 p.m.  
HB 1 INCREASE AMT OF BASE STUDENT ALLOCATION

Conference Committee      Capitol 532      8:00 p.m.  
HB 66 APPROP: MENTAL HEALTH BUDGET  
HB 67 APPROP: OPERATING BUDGET/LOANS/FUNDS/BRF

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., May 24, 2005. There being no objection, the House adjourned at 7:30 p.m.

Suzi Lowell  
Chief Clerk