

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Friday

February 10, 2006

Thirty-third Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:25 a.m.

Roll call showed 36 members present. Representatives Dahlstrom, Kohring, and Seaton had been previously excused from a call of the House today.

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

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

Almighty and eternal God, so draw our hearts to you, so guide our minds, so fill our imaginations, so control our wills, that we may be wholly yours, utterly dedicated to you; and then use us, we pray, as you will, and always to your glory and the welfare of your people. (*The Book of Common Prayer*)

Let us be united;
Let us speak in harmony;
Let our minds apprehend alike.
Common be our prayer,
Common be the end of our assembly;
Common be our resolution;
Common be our deliberations.

Alike be our feelings;
Unified be our hearts;
Common be our intentions;
Perfect be our unity.

--Amen

(World Prayers)

The Pledge of Allegiance was led by Representative Salmon.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 31st and 32nd legislative days and House and Senate Joint Journal Supplement No. 11 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HB 149

A message dated February 9, 2006, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 149(FIN) am

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

namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 149(FIN) am S
(ct rule fld S)
(same title)

The President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Seekins, Chair
Senator Bunde
Senator French

The House members of the Conference Committee are Representatives Coghill (Chair), Stoltze, and Crawford (page 2405).

Messages dated February 8 and 9, 2006, were read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 54

CS FOR SENATE BILL NO. 54(FIN) by the Senate Finance Committee, entitled:

"An Act amending protective order statutes for crimes involving stalking to include crimes involving sexual assault and sexual abuse, to provide for other relief ordered by a court, to add the protective orders to a centralized registry, to prevent denial solely for a lapse of time, and to require notification of the court of known civil or criminal actions involving the petitioner or respondent; relating to notifications to victims of sexual assault and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure."

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

SB 55

CS FOR SENATE BILL NO. 55(FIN) by the Senate Finance Committee, entitled:

"An Act instructing the commissioner of natural resources to issue a patent for the remaining interest in certain state land to the owner of the agricultural rights to that land."

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

SB 85

SENATE BILL NO. 85 by Senators Seekins, Bunde, and Therriault, entitled:

"An Act repealing the ban on the use of certain off-road vehicles within five miles of the right-of-way of the James Dalton Highway; and providing for an effective date."

was read the first time and referred to the Transportation and Resources Committees.

A Senate letter of intent was attached (Senate Journal page 900).

SB 224

SENATE BILL NO. 224 by Senators Gary Stevens, Ellis, Wilken, Dyson, Kookesh, Seekins, Wagoner, Bunde, and Cowdery, entitled:

"An Act establishing Older Alaskans' Day."

was read the first time and referred to the State Affairs Committee.

SB 236

CS FOR SENATE BILL NO. 236(FIN) by the Senate Finance Committee, entitled:

"An Act relating to subsidiary corporations of the Alaska Housing Finance Corporation and to the dividend paid to the state by the Alaska Housing Finance Corporation; and providing for an effective date."

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

REPORTS OF STANDING COMMITTEES

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

Mr. Craig Baker
Ms. Linda L. Gillam Black
Ms. Bonnie C. Gaborik

as members of the Professional Teaching Practices Commission.

The reports were signed by Representative Wilson, Chair; and Representatives Gatto, Anderson, Gardner, and Cissna.

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

Mr. Johnny Floyd
Mr. Daniel J. Rozema
Ms. Elaine R. Williamson

as members of the Alaska State Board of Public Accountancy.

Ms. Shirley A. Gifford

as a member of the Alcoholic Beverage Control Board.

Mr. Terry Gorlick
Mr. Burdett B. Lent
Mr. Daniel E. Walsh

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

Dr. Gregory M. Culbert
Dr. Rosemary E. Zimmerman

as members of the Board of Chiropractic Examiners.

Mr. Matthew R. McSorley

as a member of the Alaska Labor Relations Agency.

Ms. Vivian C. Finlay
Mr. Curtis C. Schlosser
Ms. Dorothy (Dottie) Vanmeter Stanton
Ms. Patricia A. White

as members of the Board of Marital and Family Therapy.

Ms. Barbara Norton
Ms. Holly M. Steiner

as members of the Board of Certified Direct-Entry Midwives.

Ms. JoAnne Bell-Graves

as a member of the Board of Nursing.

Dr. Dennis A. Swarner

as a member of the Board of Examiners in Optometry.

Mr. Julius S. Brecht

as a member of the State Physical Therapy and Occupational Therapy Board.

Mr. Steve MacSwain
Mr. Richard (Butch) D. Olmstead

as members of the Board of Certified Real Estate Appraisers.

Mr. Timothy J. Worthen

as a member of the Real Estate Commission.

Mr. John Giuchici
Ms. Kristin S. Knudsen
Mr. Jim E. Robison
Mr. Marc D. Stemp
Mr. Philip E. Ulmer

as members of the Workers' Compensation Appeals Commission.

Mr. Raymond (Scott) S. Bridges
Mr. Stephen T. Hagedorn
Ms. Linda F. Hutchings
Mr. David (Dave) B. Robinson

as members of the Alaska Workers' Compensation Board.

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

HB 245

The Finance Committee has considered:

HOUSE BILL NO. 245

"An Act relating to registration and license plate fees for Purple Heart recipients, prisoners of war, Congressional Medal of Honor recipients, and spouses of current prisoners of war."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 245(FIN)

"An Act relating to motor vehicle registration plates and fees for Purple Heart recipients and Congressional Medal of Honor recipients; and providing for an effective date."

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

Do pass (6): Stoltze, Kerttula, Moses, Holm, Foster, Meyer

No recommendation (2): Kelly, Weyhrauch

Amend (1): Hawker

The following fiscal note(s) apply to CSHB 245(FIN):

2. Fiscal, Dept. of Administration

HB 245 was referred to the Rules Committee for placement on the calendar.

HB 274

The Finance Committee has considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 274

"An Act relating to the practice of accounting; and providing for an effective date."

and recommends it be replaced with:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
274(FIN)
(same title)

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

Do pass (9): Hawker, Foster, Stoltze, Kerttula, Joule, Moses, Weyhrauch, Holm, Meyer

No recommendation (1): Kelly

The following fiscal note(s) apply to CSSHB 274(FIN):

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

SSHB 274 was referred to the Rules Committee for placement on the calendar.

HB 318

The Finance Committee has considered:

HOUSE BILL NO. 318

"An Act limiting the exercise of eminent domain."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 318(FIN)

"An Act limiting the exercise of eminent domain; and providing for an effective date."

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

Do pass (2): Hawker, Meyer

No recommendation (3): Kerttula, Joule, Weyhrauch

Amend (3): Stoltze, Holm, Foster

The following fiscal note(s) apply to CSHB 318(FIN):

1. Zero, Dept. of Commerce, Community & Economic Development
2. Zero, Dept. of Environmental Conservation
3. Indeterminate, Dept. of Law
4. Indeterminate, Dept. of Natural Resources
5. Indeterminate, Dept. of Transportation & Public Facilities

HB 318 was referred to the Rules Committee for placement on the calendar.

HB 321

The Judiciary Committee has considered:

HOUSE BILL NO. 321

"An Act relating to high risk operation of a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance and to refusal to submit to a chemical test."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 321(JUD)
(same title)

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

Do pass (2): Anderson, McGuire

No recommendation (4): Gara, Coghill, Kott, Wilson

The following fiscal note(s) apply to CSHB 321(JUD):

1. Zero, Dept. of Public Safety
2. Indeterminate, Dept. of Law

HB 321 was referred to the Finance Committee.

HB 349

The State Affairs Committee has considered:

HOUSE BILL NO. 349

"An Act relating to legislator salary and benefits; establishing the Citizens' Commission on Legislative Salary and Benefits and defining its powers and duties and abolishing the State Officers Compensation Commission; and providing for an effective date by repealing secs. 9 and 12, ch. 124, SLA 1986."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 349(STA)
(same title)

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

Do pass (2): Gardner, Gruenberg

No recommendation (3): Lynn, Elkins, Gatto

The following fiscal note(s) apply to CSHB 349(STA):

1. Fiscal, Legislative Agency

HB 349 was referred to the Finance Committee.

HB 363

The Judiciary Committee has considered:

HOUSE BILL NO. 363

"An Act increasing the number of superior court judges designated for the third judicial district, to provide additional superior court judges at Anchorage, Palmer, and Kenai; and providing for an effective date."

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

Do pass (2): Kott, McGuire

No recommendation (3): Gara, Coghill, Wilson

The following fiscal note(s) apply:

2. Fiscal, Alaska Court System
3. Fiscal, Office of the Governor

HB 363 was referred to the Finance Committee.

HB 378

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 378

"An Act designating a representative of Chilkat Snowburners, Inc. as an ex officio member of the Alaska Chilkat Bald Eagle Preserve Advisory Council and removing the mayor of the City of Haines as an ex officio member of the council."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 378(CRA)

"An Act designating a representative of a Haines nonprofit recreational group as an ex officio member of the Alaska Chilkat Bald Eagle Preserve Advisory Council and removing the mayor of the City of Haines as an ex officio member of the council."

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

Do pass (2): Neuman, Thomas

No recommendation (4): Cissna, Kott, Salmon, Olson

Amend (1): LeDoux

The following fiscal note(s) apply to CSHB 378(CRA):

1. Zero, Dept. of Natural Resources

HB 378 was referred to the Resources Committee.

REPORTS OF SPECIAL COMMITTEES

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

Mr. Bruce C. Twomley

as a member of the Alaska Commercial Fisheries Entry Commission (CFEC).

The report was signed by Representatives LeDoux and Thomas, Co-chairs; and Representatives Harris, Kapsner, Salmon, Elkins, and Wilson.

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

Mr. Jeremiah D. Campbell

as a member of the Board of Fisheries.

The report was signed by Representatives LeDoux and Thomas, Co-chairs; and Representatives Kapsner, Wilson, and Salmon.

HB 354

The House Special Committee on Military & Veterans' Affairs has considered:

HOUSE BILL NO. 354

"An Act relating to qualifications of the adjutant general; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 354(MLV)

"An Act relating to qualifications of the adjutant general."

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

Do pass (5): Gruenberg, Thomas, Cissna, Elkins, Lynn

The following fiscal note(s) apply to CSHB 354(MLV):

1. Zero, Office of the Governor
2. Zero, Dept. of Military & Veterans' Affairs

HB 354 was referred to the State Affairs Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Kaylan Banks, Winner of the 'Highlights' Magazine Contest

By Representative Joule

Honoring - Al Parrish, Alaska Business Junior Achievement Hall of Fame

By Senator Ellis; Representative McGuire

Honoring - Juneau's Alaska National Guard

By Senator Elton; Representatives Kerttula, Weyhrauch

In Memoriam - Judith Ann George

By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Stephen P. "Butch" Freeman

By Representative Elkins

In Memoriam - Representative Alvin Osterback

By Representative Moses

In Memoriam - Ronald Herbert Bitzer

By Representative Rokeberg

In Memoriam - James "Jim" Campbell

By Senator Ellis; Representative Gara

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 32

HOUSE JOINT RESOLUTION NO. 32 by Representatives Coghill and Lynn:

Proposing an amendment to the section of the Constitution of the State of Alaska relating to marriage.

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

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 57**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 57 by
Representatives Weyhrauch, Elkins, and Thomas, entitled:

"An Act relating to the sale of certain state land to adjacent
landowners."

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

HB 439

HOUSE BILL NO. 439 by Representative Coghill, entitled:

"An Act relating to authorizing the state to join with other states
entering into the Interstate Insurance Product Regulation Compact
and authorizing the compact to supersede existing statutes by
approving standards, rules, or other action under the terms of the
compact."

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

HB 440

HOUSE BILL NO. 440 by Representative Anderson, entitled:

"An Act relating to requiring motor vehicle insurers to submit
insurance information to the Department of Administration to
monitor compliance with mandatory motor vehicle insurance
requirements; setting a fee for administration of the program;
limiting the use of information provided; and establishing
penalties."

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

HB 441

HOUSE BILL NO. 441 by Representative Rokeberg, entitled:

"An Act relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence; relating to mitigating factors in sentencing; amending Rule 35, Alaska Rules of Criminal Procedure; and providing for an effective date."

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

HB 442

HOUSE BILL NO. 442 by Representative Weyhrauch, entitled:

"An Act relating to the validity of advance health care directives, individual health care instructions, and do not resuscitate orders; relating to the revocation of advance health care directives; relating to do not resuscitate orders; relating to resuscitative measures; relating to the liability of health care providers and institutions; relating to an individual's capacity for making health care decisions; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR**THIRD READING OF HOUSE BILLS****HB 266**

The Speaker stated that, without objection, the following, which had been advanced to third reading from the February 8, 2006, calendar (page 2470), would be returned to the Finance Committee:

CS FOR HOUSE BILL NO. 266(TRA)

"An Act relating to offenses and penalties for violation of vehicle weight limitations; prohibiting the use of a violation of a vehicle weight limitation for certain personal automobile insurance actions; amending Rule 43.6, Alaska Rules of Administration; and providing for an effective date."

LEGISLATIVE CITATIONS

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

In Memoriam - Michael J. Shibe

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

UNFINISHED BUSINESS

Representative Coghill moved and asked unanimous consent that the following members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Berkowitz - from 7:00 p.m., February 10 to 10:00 a.m., plane time, February 13, 2006

Representative Holm - from 7:00 p.m., February 10 to 10:00 a.m., plane time, February 13, 2006

Representative Ramras - from 7:00 p.m., February 10 to 10:00 a.m., plane time, February 13, 2006

Representative Gara - from 7:00 a.m., February 11 to 10:00 a.m., plane time, February 13, 2006

Representative LeDoux - from 7:00 a.m., February 11 to 10:00 a.m., plane time, February 13, 2006

Representative Rokeberg - from 6:00 p.m., February 10 to 10:00 a.m., plane time, February 14, 2006

The Speaker appointed Representative Lynn to the Homeland Security and Emergency Management Subcommittee (AS 24.20.680) under the Joint Armed Services Committee established by AS 24.20.650.

HJR 30

Representative Kerttula added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 30
Relating to public health and a prevention compact.

HB 31

Representative Ramras added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 31
"An Act relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain occupations."

HB 318

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 318
"An Act limiting the exercise of eminent domain."

HB 343

Representative Anderson added his name as cosponsor to:

HOUSE BILL NO. 343
"An Act relating to harassment."

HB 395

Representatives LeDoux and Gruenberg added their names as cosponsors to:

HOUSE BILL NO. 395
"An Act extending the period of the fire season."

HB 399

Representative Kapsner added her name as cosponsor to:

HOUSE BILL NO. 399
"An Act establishing the office of elder fraud and assistance; and relating to fraud involving older Alaskans."

HB 413

Representative Gruenberg added his name as cosponsor to:

HOUSE BILL NO. 413

"An Act relating to the burning capability of cigarettes being sold, offered for sale, or possessed for sale; and providing for an effective date."

HB 429

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 429

"An Act reestablishing the Department of Community and Regional Affairs; relating to the Department of Commerce, Community, and Economic Development and to the membership of various boards and commissions; and providing for an effective date."

SB 224

Representatives Kerttula, Gruenberg, Neuman, Stoltze, and Lynn added their names as cross sponsors to:

SENATE BILL NO. 224

"An Act establishing Older Alaskans' Day."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

Personal Bill Deadline

9:00 a.m., 2/13

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 13, 2006. There being no objection, the House adjourned at 11:01 a.m.

Suzi Lowell
Chief Clerk