

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Friday

March 17, 2006

Sixty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:08 a.m.

Roll call showed 31 members present. Representatives Anderson, Berkowitz, Croft, McGuire, and Salmon had been previously excused from a call of the House today. Representative Weyhrauch was absent and his presence was noted later. Representative Kelly was absent.

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

The invocation was offered by the Chaplain, Pastor Tom Matthews of Douglas Island Bible Church. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Respecting the various beliefs represented here today, I would ask you to please join me in prayer.

Dear Lord,

The Psalmist tells us in Psalm 40:4, "How blessed is the man who has made the Lord his trust." Lord, we want to be blessed; help us to make You our trust.

I pray for these Representatives to exercise fairness and justice in their various decisions today. Bless them and help them to bear up well under their various responsibilities.

Strengthen them as I am sure the hours get long and being away from home is difficult. Please watch over the families of each Representative while they are away.

Finally, Lord, I do again want to lift up the search for the lost fishermen. I pray for clear weather that would allow our state patrol to resume the search. Please intervene, Lord, and help the search to be successful. Help the families and friends of these two men during this most difficult time.

In the name of Jesus Christ, I lift this prayer today. Amen.

The Pledge of Allegiance was led by Representative Kohring.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 66th and 67th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Guttenberg introduced Christian Seekins and Brian Smith, Guest Pages, from Fairbanks.

MESSAGES FROM THE GOVERNOR

HB 217

A message dated March 16, 2006, 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:

SENATE CS FOR HOUSE BILL NO. 217(FIN)

"An Act relating to the determination of full and true value of taxable municipal property for purposes of providing planning assistance to the Department of Education and Early Development and the legislature, calculating funding for education, calculating school district participating shares for school construction grants, and calculating tax resource equalization payments and excluding from that determination the value of property in certain areas

detached from a municipality and the value of certain property involved with oil and gas that is not taxed by a municipality."

Chapter No. 5, SLA 2006
Effective Date: June 14, 2006

SB 236

A message dated March 16, 2006, 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 SENATE BILL NO. 236(FIN)

"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."

Chapter No. 7, SLA 2006
Effective Date: July 1, 2006

SB 260

A message dated March 16, 2006, 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:

SENATE BILL NO. 260

"An Act extending the date by which the Task Force on Workers' Compensation shall report its findings and the termination date of that task force; and providing for an effective date."

Chapter No. 6, SLA 2006
Effective Date: March 17, 2006

**The presence of Representative Weyhrauch was noted.

MESSAGES FROM THE SENATE

A message dated March 16, 2006, was read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 232**

CS FOR SENATE BILL NO. 232(FIN) by the Senate Finance Committee, entitled:

"An Act making appropriations, supplemental appropriations, and capital appropriations; amending appropriations and funding sources; making appropriations to capitalize funds; and providing for an effective date."

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

SB 237

CS FOR SENATE BILL NO. 237(FIN) by the Senate Finance Committee, entitled:

"An Act relating to the compensation of justices and judges, and to increasing the number of superior court judges designated for the third and fourth judicial districts; and providing for an effective date."

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

A Senate letter of intent was attached (Senate Journal page 2148).

COMMUNICATIONS

The following were received:

Alaska Court System
Travel for Justices, Judges, and Magistrates
& Affidavit Information, 2005
(as required by AS 22.20.310)

Alaska Court System
2005 Time-To-Disposition Reports
Volumes 1, 2, 3A, 3B, 4, 5, 6
(as required by AS 22.20.310)

REPORTS OF STANDING COMMITTEES

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

Ms. Charlette Lushin
Ms. Alice B. Massie

as members of the Board of Barbers and Hairdressers.

Dr. Kevin L. Gottlieb, DDS

as a member of the Board of Dental Examiners.

Mr. Dennis S. Niedermeyer

as a member of the Alaska Labor Relations Agency.

Mr. Les (Leslie) A. Cronk

as a member of the Board of Marine Pilots.

Ms. JoAnne Bell-Graves
Ms. Catherine A. Giessel

as members of the Board of Nursing.

Mr. William A. Larick

as a member of the Board of Certified Real Estate Appraisers.

Mr. Robert S. Morigeau
Ms. Debra G. Norum
Mr. Jeffrey P. Pruss
Mr. H. Bardie Scarbrough
Mr. Damian J. Thomas
Mr. Robert C. Weel

as members of the Alaska Workers' Compensation Board.

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

HB 441

The Finance Committee has considered:

HOUSE BILL NO. 441

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 441(FIN)

"An Act relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence; relating to court-ordered treatment programs for certain offenders and offenses; amending Rule 35, Alaska Rules of Criminal Procedure; and providing for an effective date."

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

Do pass (9): Foster, Kelly, Holm, Moses, Hawker, Joule, Kerttula, Meyer, Chenault

No recommendation (1): Stoltze

The following fiscal note(s) apply to CSHB 441(FIN):

1. Zero, Dept. of Administration
2. Zero, Alaska Court System
3. Zero, Dept. of Law
4. Zero, Dept. of Administration
5. Zero, Dept. of Corrections
6. Zero, Dept. of Health & Social Services
7. Zero, Dept. of Public Safety

HB 441 was referred to the Rules Committee for placement on the calendar.

HB 446

The Finance Committee has considered:

HOUSE BILL NO. 446

"An Act relating to the amount of a civil penalty for an unlawful act or practice in the conduct of trade or commerce."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 446(JUD)

"An Act relating to the amount of a civil penalty for an unlawful act or practice in the conduct of trade or commerce; and eliminating mandatory continuances in these matters after issuance of an injunction."

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

Do pass (3): Foster, Kerttula, Meyer

No recommendation (8): Hawker, Weyhrauch, Stoltze, Joule, Moses, Holm, Kelly, Chenault

The following fiscal note(s) apply to CSHB 446(JUD):

1. Zero, Alaska Court System
3. Indeterminate, House Finance Committee/Dept. of Law

HB 446 was referred to the Rules Committee for placement on the calendar.

HB 475

The State Affairs Committee has considered:

HOUSE BILL NO. 475

"An Act describing contributions to the health reimbursement arrangement plan for certain teachers and public employees;

clarifying eligibility for membership in that health reimbursement arrangement plan; relating to the 'administrator' of the Public Employees' Retirement System of Alaska; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 475(STA)

"An Act relating to the supplemental employee benefit program; relating to teachers' and public employees' defined benefit retirement plans; relating to teachers' and public employees' defined contribution retirement plans; relating to the health reimbursement arrangement plan for certain teachers and public employees; clarifying eligibility for membership in the health reimbursement arrangement plan; relating to waiver of adjustments under the teachers' defined benefit retirement plan and the public employees' defined benefit retirement plan; relating to the administrator of the Public Employees' Retirement System of Alaska; relating to employer contributions for occupational disability and death benefits; repealing participation in the teachers' defined contribution and defined benefit retirement plans by certain employees of the National Education Association of Alaska; relating to requirements for employer minimum contributions to the teachers' and the public employees' defined benefit retirement systems; relating to the public employees' defined benefit deferred compensation program; and providing for an effective date."

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

Do pass (1): Seaton

No recommendation (3): Gatto, Elkins, Ramras

Amend (3): Gardner, Lynn, Gruenberg

The following fiscal note(s) apply to CSHB 475(STA):

1. Zero, Dept. of Administration

HB 475 was referred to the Finance Committee.

SB 157

The Finance Committee has considered:

CS FOR SENATE BILL NO. 157(FIN)

"An Act relating to the maximum annual regulatory cost charge collected from certain regulated public utilities and pipeline carriers and to public utility liability associated with operating certain transmission lines under a Regulatory Commission of Alaska order for joint use and interconnection; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 157(FIN)
(same title)

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

Do pass (4): Kelly, Moses, Foster, Chenault

No recommendation (7): Hawker, Weyhrauch, Holm, Stoltze, Kerttula, Joule, Meyer

The following fiscal note(s) apply to HCS CSSB 157(FIN):

3. Fiscal, House Finance Committee/Dept. of Commerce, Community, & Economic Development

CSSB 157(FIN) was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES**HCR 34**

The House Special Committee on Economic Development, Trade, & Tourism has considered:

HOUSE CONCURRENT RESOLUTION NO. 34

Relating to promoting Alaska grown produce and food products to the visitor industry through the Arctic Fresh program.

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

Do pass (5): Lynn, Crawford, Kerttula, Dahlstrom, Neuman

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

HCR 34 was referred to the Rules Committee for placement on the calendar.

HB 386

The House Special Committee on Oil & Gas has considered:

HOUSE BILL NO. 386

"An Act making uniform throughout the state the deadline for certain exploration expenditures used as credits against the production tax on oil and gas produced from a lease or property in the state by extending to July 1, 2010, the deadline for those expenditures on leases or properties located north of 68 degrees, 15 minutes, North latitude."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 386(O&G)

"An Act making uniform throughout the state the deadline for certain exploration expenditures used as credits against the production tax on oil and gas produced from a lease or property in the state by extending to July 1, 2010, the deadline for those

expenditures on leases or properties located north of 68 degrees, 15 minutes, North latitude, and expanding the purposes for which use of that credit is allowed; and delaying to June 30, 2010, the last date by which hydrocarbon exploration geophysical work must be performed or drilling of a stratigraphic test well or exploratory well must be completed in order for a person to qualify for an exploration incentive credit under the oil and gas exploration incentive credit that is not authorized by the Alaska Land Act."

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

Do pass (1): Kohring

No recommendation (3): Samuels, Dahlstrom, Rokeberg

The following fiscal note(s) apply to CSHB 386(O&G):

1. Zero, Dept. of Natural Resources
2. Indeterminate, Dept. of Revenue

HB 386 was referred to the Resources Committee.

INTRODUCTION OF CITATIONS

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

In Memoriam - Harry William Brouillette
By Representative Thomas; Senator Kookesh

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 493

HOUSE BILL NO. 493 by the House Finance Committee, entitled:

"An Act relating to reimbursement of municipal bonds for school construction."

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

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Representative Seaton introduced Jessica Coon, Guest Page, from Seward.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 338

The following was read the second time:

HOUSE BILL NO. 338

"An Act relating to applications, qualifications, and criminal history and background checks for a certificate of fitness for explosives handlers; and providing for an effective date."

with the:	Journal Page
L&C RPT CS(L&C) 3DP 1NR	2556
FN1: ZERO(LWF)	2556
FN2: ZERO(DPS)	2556
FIN RPT CS(L&C) 6DP 4NR	2685
FN1: ZERO(LWF)	2685
FN2: ZERO(DPS)	2685

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. 338(L&C)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 338(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 338(L&C) was read the third time.

The question being: "Shall CSHB 338(L&C) pass the House?" The roll was taken with the following result:

CSHB 338(L&C)

Third Reading

Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 7 ABSENT: 1

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

Excused: Anderson, Berkowitz, Croft, Holm, LeDoux, McGuire, Salmon

Absent: Kelly

And so, CSHB 338(L&C) 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.

CSHB 338(L&C) was referred to the Chief Clerk for engrossment.

HB 343

The following was read the second time:

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

with the:	Journal Page
JUD RPT CS(JUD) NT 3DP 4NR	2504
FN1: ZERO(COR)	2504
FN2: ZERO(DPS)	2504
FIN RPT CS(JUD) NT 8DP 2NR	2665
FN1: ZERO(COR)	2665

FN2: ZERO(DPS)	2665
FN3: ZERO(ADM)	2665
FN4: ZERO(ADM)	2665
FN5: ZERO(CRT)	2665
FN6: ZERO(LAW)	2665

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. 343(JUD)
"An Act relating to harassment and assault."

There being no objection, it was so ordered.

Amendment No. 1 (title amendment) was offered by Representatives Kerttula and Lynn:

Page 1, line 1:

Delete all material and insert:

"An Act creating the crimes of harassment in the first and second degree, amending the crime of stalking, and adding a definition of 'medical professional' to the assault and harassment statutes."

Representative Kerttula moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered, and the new title follows:

CS FOR HOUSE BILL NO. 343(JUD)(title am)
"An Act creating the crimes of harassment in the first and second degree, amending the crime of stalking, and adding a definition of 'medical professional' to the assault and harassment statutes."

Representative Coghill moved and asked unanimous consent that CSHB 343(JUD)(title am) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 343(JUD)(title am) will advance to third reading on the March 20, 2006, calendar.

HB 408

The following was read the second time:

HOUSE BILL NO. 408

"An Act relating to the definition of 'child abuse and neglect' for child protection purposes; and providing for an effective date."

with the:	Journal Page
HES RPT CS(HES)NT 3DP 2NR	2536
FN1: ZERO(HSS)	2536
FIN RPT CS(FIN) NT 3DP 5NR	2727
FN1: ZERO(HSS)	2727
FN2: ZERO(H.FIN/HSS)	2727

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. 408(FIN)

"An Act relating to the standard of proof required to terminate parental rights in child-in-need-of-aid proceedings; relating to the definition of 'child abuse or neglect'; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Kerttula and Coghill:

Page 1, line 2 (title amendment):

Delete "**relating to the definition of 'child abuse or neglect';**"

Insert "**relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol;**"

Page 6, lines 3 - 17:

Delete all material and insert:

**** Sec. 8.** AS 47.17 is amended by adding a new section to read:

Sec. 47.17.024. Duties of practitioners of the healing arts.

(a) A practitioner of the healing arts involved in the delivery or care of a child who the practitioner determines has been adversely affected by, or is withdrawing from exposure to, a controlled substance or alcohol shall immediately notify the nearest office of the department of the child's condition.

(b) In this section, "controlled substance" has the meaning given in AS 11.71.900, but does not include a substance lawfully taken under a prescription from a health care provider who is authorized to prescribe the substance."

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted, and the new title follows:

CS FOR HOUSE BILL NO. 408(FIN) am

"An Act relating to the standard of proof required to terminate parental rights in child-in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

Representative Coghill moved and asked unanimous consent that CSHB 408(FIN) am be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 408(FIN) am will advance to third reading on the March 20, 2006, calendar.

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 - Michael Poppert

By Representatives Neuman, 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, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch

Honoring - Augie Hiebert

By Representatives Stoltze, Harris, Anderson, Berkowitz, Chenault, 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, Rokeberg, Salmon, Samuels, Seaton, Thomas, Weyhrauch; Senator Huggins

Honoring - The South Anchorage High School Hockey Team

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

Honoring - Village Public Safety Officer Academy Graduates

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

Honoring - Teck Cominco, Pogo Mine's First Gold Bar
By Representatives Berkowitz, Guttenberg, Harris, Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Gara, Gardner, Gatto, Gruenberg, Hawker, Holm, Joule, Kapsner, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch

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 Crawford - from 1:00 p.m., March 17 to 10:00 a.m., plane time, March 20, 2006

Representative Gruenberg - from 1:00 p.m., March 17 to 10:00 a.m., plane time, March 20, 2006

Representative Ramras - from 7:00 p.m., March 17 to 10:00 p.m., plane time, March 20, 2006

Representative Wilson - from 10:00 a.m., March 18 to 7:00 p.m., plane time, March 19, 2006

HB 343

Representative Kerttula added her name as cosponsor to:

CS FOR HOUSE BILL NO. 343(JUD)(title am)

"An Act creating the crimes of harassment in the first and second degree, amending the crime of stalking, and adding a definition of medical professional to the assault and harassment statutes."

HB 357

Representative Elkins added his name as cosponsor to:

CS FOR HOUSE BILL NO. 357(FIN)

"An Act updating the terminology in statutes for persons with disabilities; and providing for an effective date."

HB 400

Representative Neuman added his name as cosponsor to:

HOUSE BILL NO. 400

"An Act relating to disasters and confiscation of firearms."

ENGROSSMENT

HB 338

CSHB 338(L&C) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., March 20, 2006. There being no objection, the House adjourned at 10:59 a.m.

Suzi Lowell
Chief Clerk