

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Thursday

April 6, 2006

Eighty-eighth Day

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

Roll call showed 32 members present. Representative Thomas had been previously excused from a call of the House today. Representatives Chenault, Holm, Meyer, and Ramras were absent and their presence was noted later. Representative Weyhrauch was absent.

Representative Coghill moved and asked unanimous consent that Representatives Croft and Kapsner 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 Patrick Brayton of the Valley Chapel. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Heavenly Father, we who are privileged to live amidst the splendor that is Alaska must, as a result of this, be prone to honor You as the Creator. May our hearts be made humble before the glory of Your creation and pliable in the face of Your superior wisdom and knowledge. Grant us, Lord, the grace to yield to Your will that we might become the recipients of the blessings that flow from that obedience. May our hearts and minds be open to hear Your voice, and may we receive the grace to believe and follow where You lead. I pray, Father, that You will extend special blessing upon these who serve us here in the House of Representatives. Theirs is often a thankless and stressful job. We pray, therefore, that

You will protect them and their families from all harm or discouragement. We ask that You will bless us through them and that they will serve us by serving You. In Jesus' name I pray. Amen.

The Pledge of Allegiance was led by Representative McGuire.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 87th legislative day and House Journal Supplement No. 5 and Senate and House Joint Journal Supplement No. 15 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Kohring introduced Aaron Kohring, Guest Page, from Palmer.

MESSAGES FROM THE SENATE

HB 243

A message dated April 5, 2006, was read stating the Senate has passed CSHB 243(FIN) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 243(FIN)

"An Act relating to the financial plan for the intertie between the Swan Lake and Tyee Lake hydroelectric projects; and providing for an effective date."

CSHB 243(FIN) is under Unfinished Business.

HB 149

A message dated April 5, 2006, was read stating the President has granted limited powers of free conference to the Senate members of the Conference Committee considering:

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."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 149(FIN) am S

(ct rule fld S)

(same title)

The Speaker had previously granted the limited powers of free conference as requested (page 3008).

SB 232

A message dated April 5, 2006, was read stating the President has granted limited powers of free conference to the Senate members of the Conference Committee considering:

HOUSE CS FOR CS FOR SENATE BILL NO. 232(FIN) am H

"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."

and

CS FOR SENATE BILL NO. 232(FIN)

(same title)

The Speaker had previously granted the limited powers of free conference as requested (page 3009).

A message dated April 5, 2006, was read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 261**

CS FOR SENATE BILL NO. 261(FIN) by the Senate Finance Committee, entitled:

"An Act relating to the designation of traffic safety corridors; relating to the bail or fine for an offense committed in a traffic safety corridor and to separately accounting for such fines; and providing for an effective date."

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

**The presence of Representatives Meyer and Ramras was noted.

SB 300

CS FOR SENATE BILL NO. 300(L&C) by the Senate Labor and Commerce Committee, entitled:

"An Act relating to the handling of negative equity in motor vehicle transactions; and relating to the contents of retail installment contracts."

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

SB 308

SENATE BILL NO. 308 by the Senate Transportation Committee, entitled:

"An Act authorizing the Alaska Railroad Corporation to issue revenue bonds to finance rail transportation projects that qualify for federal financial participation; and providing for an effective date."

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

REPORTS OF STANDING COMMITTEES**HB 346**

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 346

"An Act relating to child abuse investigations and training."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 346(HES)

"An Act relating to intensive family preservation and reunification services; relating to child abuse investigations and training."

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

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

No recommendation (2): Gatto, Seaton

The following fiscal note(s) apply to CSHB 346(HES):

1. Zero, Dept. of Health & Social Services

HB 346 was referred to the Judiciary Committee.

HB 384

The Finance Committee has considered:

HOUSE BILL NO. 384

"An Act relating to fines and offenses; amending Rule 8(b), Alaska District Court Rules of Criminal Procedure; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 384(JUD)

"An Act relating to fines for certain offenses involving aeronautics, shipment of animals, alcoholic beverages, boats, fish

and game, health care records and public health, medical review organizations, public restroom facilities, smoking, shelter cabins, refrigerators and similar equipment, radiation sources, high voltage lines, child labor, employment in underground mines, marriage licenses, motor vehicles and driver's licenses, ignition interlock devices, pipelines, use of the state seal, and emissions requirements; relating to the maximum fine provided for violations and infractions and to the definition of 'minor offenses'; redesignating certain fish and game misdemeanor offenses as class A misdemeanors; amending Rule 8(b), Alaska District Court Rules of Criminal Procedure; and providing for an effective date."

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

Do pass (2): Foster, Meyer

No recommendation (6): Kerttula, Hawker, Holm, Kelly, Moses, Weyhrauch

The following fiscal note(s) apply to CSHB 384(JUD):

4. Indeterminate, Office of the Governor/All Depts.

HB 384 was referred to the Rules Committee for placement on the calendar.

SB 200

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 200(JUD) am
"An Act relating to defense of self, other persons, property, or services."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 200(JUD)
(same title)

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

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

No recommendation (2): Gara, Kott

The following fiscal note(s) apply to HCS CSSB 200(JUD):

- 1. Zero, Dept. of Public Safety

CSSB 200(JUD) am was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Ed O'Neill
By Senator Ellis; Representative Gardner

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 150

The following was read the second time:

HOUSE BILL NO. 150

"An Act requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology; and providing for an effective date."

with the:

Journal Page

L&C RPT CS(L&C) 2DP 1NR 2AM	711
FN1: (CED)	712
JUD RPT CS(JUD) 2DP 1DNP 2NR 1AM	2437

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FN1: (CED)	2438
FIN RPT CS(FIN) 2DP 6NR 1AM	2643
FN2: (CED)	2643

**The presence of Representative Chenault was noted.

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. 150(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 150(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 150(FIN) will advance to third reading on the April 10, 2006, calendar.

HB 415

The following was read the second time:

HOUSE BILL NO. 415
"An Act relating to landowners' immunity for allowing use of land for a recreational activity; and providing for an effective date."

with the:	Journal Page
RES RPT 6DP 3NR	2860
FN1: ZERO(ADM)	2861
JUD RPT CS(JUD) NT 2DP 2NR	2985
FN1: ZERO(ADM)	2985

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. 415(JUD)

"An Act relating to landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 415(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 415(JUD) will advance to third reading on the April 10, 2006, calendar.

**The presence of Representative Holm was noted.

HB 446

The following was read the second time:

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."

with the:

Journal Page

JUD RPT CS(JUD) NT 4DP	2645
FN1: ZERO(CRT)	2645
FN2: ZERO(LAW)	2645
FIN RPT CS(JUD) NT 3DP 8NR	2791
FN1: ZERO(CRT)	2791
FN3: INDETERMINATE(H.FIN/LAW)	2791

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. 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."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 446(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 446(JUD) will advance to third reading on the April 10, 2006, calendar.

SECOND READING OF SENATE BILLS

SB 157

The following was read the second time:

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."

with the:

Journal Page

FIN RPT HCS(FIN) 4DP 7NR

2793

FN3: (H.FIN/CED)

2793

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. 157(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 157(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HCS CSSB 157(FIN) will advance to third reading on the April 10, 2006, calendar.

SECOND READING OF HOUSE RESOLUTIONS

HCR 34

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 34

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

with the:	Journal Page
EDT RPT 5DP	2794
FN1: ZERO(DNR)	2794

Amendment No. 1 was offered by Representative Ramras:

Page 1, line 2 (title amendment):

Delete "**Arctic Fresh**"

Insert "**Fresher By Far**"

Page 1, line 14:

Delete "Arctic Fresh"

Insert "Fresher By Far"

Page 2, line 1:

Delete "Arctic Fresh"

Insert "Fresher By Far"

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

HOUSE CONCURRENT RESOLUTION NO. 34 am
Relating to promoting Alaska grown produce and food products to the visitor industry through the Fresher By Far program.

The question being: "Shall HCR 34 am pass the House?" The roll was taken with the following result:

HCR 34 am
Second Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

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

Excused: Croft, Kapsner, Thomas

Absent: Weyhrauch

And so, HCR 34 am passed the House and was referred to the Chief Clerk for engrossment.

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 - Alaska Army National Guard, District 5 of Southeast Alaska

By Representatives Thomas, 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, Stoltze, Wilson; Senator Kookesh

In Memoriam - Robert "Bob" Gabel

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

In Memoriam - Stuart Campen Hall

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

In Memoriam - Ramona Pugh

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, Wilson; Senator Huggins

In Memoriam - Margaret Dorothy "Mickey" Duros

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

CONCUR IN SENATE AMENDMENTS**HB 269**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 2979) on the following:

HOUSE BILL NO. 269

"An Act relating to contribution actions relating to the release of a hazardous substance; and providing for an effective date."

and

SENATE CS FOR HOUSE BILL NO. 269(JUD)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to HB 269, thus adopting SCS HB 269(JUD), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to HB 269?" The roll was taken with the following result:

SCS HB 269(JUD)

Concur

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

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

Excused: Croft, Kapsner, Thomas

Absent: Weyhrauch

And so, the House concurred in the Senate amendment, thus adopting SCS HB 269(JUD).

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 Coghill moved and asked unanimous consent that the House adopt the Senate letter of intent (Senate Journal page 2189). There being no objection, it was so ordered.

The Chief Clerk notified the Senate.

SCS HB 269(JUD) was referred to the Chief Clerk for enrollment.

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 Coghill - from 1:00 p.m., April 6 to 10:00 p.m., plane time, April 9, 2006

Representative Neuman - from 1:00 p.m., April 6 to 10:00 p.m., plane time, April 9, 2006

Representative Cissna - from 7:00 p.m., April 6 to 10:00 a.m., plane time, April 10, 2006

Representative Ramras - from 7:00 p.m., April 6 to 10:00 a.m., plane time, April 10, 2006

Representative Samuels - from 7:00 p.m., April 6 to 10:00 p.m., plane time, April 10, 2006

Representative Guttenberg - from 7:00 a.m., April 7 to 10:00 p.m., plane time, April 8, 2006

Representative Gardner - from 7:00 a.m., April 7 to 10:00 p.m., plane time, April 8, 2006

Representative Gara - from 7:00 a.m., April 8 to 10:00 a.m., plane time, April 10, 2006

Representative Foster - from 4:00 p.m., April 11 to 9:00 a.m., plane time, April 13, 2006

HB 218

Representatives Elkins and Wilson added their names as cosponsors to:

CS FOR HOUSE BILL NO. 218(FIN)

"An Act relating to cost recovery fisheries for private nonprofit hatchery facilities."

HB 387

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 387

"An Act providing for a partial tuition waiver for families of members of the Alaska National Guard; and directing the executive director of the Alaska Commission on Postsecondary Education to seek additional funding to support tuition waivers."

HB 446

Representative Lynn added his name as cosponsor to:

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."

SCR 21

Representative Elkins added his name as cross sponsor to:

CS FOR SENATE CONCURRENT RESOLUTION NO.
21(STA)

Relating to the Vietnam War, to veterans and their families, and to the Vietnam War memorial entitled "The Moving Wall."

ENGROSSMENT**HCR 34**

HCR 34 am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 471

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

CS FOR HOUSE BILL NO. 471(FIN) am
"An Act amending the Knik Arm Bridge and Toll Authority Act and the powers and authority of the authority to finance construction and maintenance of the Knik Arm Bridge, to set and collect tolls, and to carry out its duties; and providing for an effective date."

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., April 10, 2006. There being no objection, the House adjourned at 10:59 a.m.

Suzi Lowell
Chief Clerk