

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Saturday

April 29, 2006

One Hundred Eleventh Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:08 a.m.

Roll call showed 23 members present. Representatives Cissna and Croft had been previously excused from a call of the House today. Representatives Anderson, Berkowitz, Crawford, Gara, Gardner, Gruenberg, Guttenberg, Kapsner, Kelly, Kerttula, McGuire, Moses, Salmon, and Seaton were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Holm be excused from a call of the House from today to 9:30 a.m., plane time, May 1, 2006. There being no objection, it was so ordered.

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

Almighty God, we thank You for this day. We are grateful to live in this land of grandeur and beauty.

Also we are thankful for the people who picked us to serve them in this seat of government. Help us to rise to the most noble side of our nature leaving selfishness or arrogance to be overruled by serving our people in truly humble service. For the work of the day we commit our best efforts, asking for Your guidance.

For my home in North Pole I ask that we pause to ask for Your grace and strength for help in time of need for those who have to deal with fear and pain as they deal with the middle school incident with the students.

Now we thank You for those who have helped us in our duties throughout the year and ask Your blessing upon them.

I pray in the name of my Lord, Jesus Christ. Amen.

The Pledge of Allegiance was led by Representative Foster.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 110th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Meyer introduced Zane Millett, Guest Page, from Anchorage.

MESSAGES FROM THE GOVERNOR

SB 218

A message dated April 27, 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:

HOUSE CS FOR CS FOR SENATE BILL NO. 218(FIN)

"An Act relating to sex offenders and child kidnappers; relating to periodic polygraph examinations for sex offenders released on probation or parole; relating to sexual abuse of a minor; relating to the definitions of 'aggravated sex offense' and 'child kidnapping'; relating to penalties for failure to report child abuse or neglect; relating to sentencing for sex offenders and habitual criminals; and providing for an effective date."

Chapter No. 14, SLA 2006
Effective Date: See Chapter

MESSAGES FROM THE SENATE

A message dated April 28, 2006, was read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 291

CS FOR SENATE BILL NO. 291(CRA) by the Senate Community and Regional Affairs Committee, entitled:

"An Act relating to the municipal harbor facility grant program; and providing for an effective date."

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

SB 315

CS FOR SENATE BILL NO. 315(L&C) by the Senate Labor and Commerce Committee, entitled:

"An Act relating to the disposition of unredeemed property; and providing for an effective date."

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

**The presence of Representatives Moses, Kapsner, Gara, Berkowitz, and Salmon was noted.

REPORTS OF STANDING COMMITTEES

HB 498

The Resources Committee has considered:

HOUSE BILL NO. 498

"An Act authorizing tax credits against the production tax on oil and gas for qualified expenditures for challenged or nonconventional oil or gas and for qualified expenditures for nonconventional or renewable energy resources; giving the Act contingent effect; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 498(RES)

"An Act authorizing tax credits against the production tax on oil and gas for qualified development expenditures for challenged oil pools; and providing for an effective date."

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

No recommendation (9): Kapsner, Gatto, LeDoux, Crawford, Elkins, Olson, Seaton, Samuels, Ramras

The following fiscal note(s) apply to CSHB 498(RES):

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

HB 498 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Gladys Dart
By Representative Salmon; Senator Kookesh

Honoring - Sitka High School Girls' Softball Team, 2005 ASAA State Small School Softball Champions
By Senator Stedman; Representative Wilson

Honoring - Sitka High School Boys' Baseball Team, 2005 ASAA State Baseball Champions

By Senator Stedman; Representative Wilson

Honoring - Sitka High School Boys' Swimming and Diving Team, 2005 ASAA State Swimming and Diving Champions

By Senator Stedman; Representative Wilson

**The presence of Representatives Gardner, Gruenberg, and Guttenberg was noted.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 496

The following was read the second time:

HOUSE BILL NO. 496

"An Act relating to contributions from permanent fund dividends to certain educational organizations and to certain charitable organizations that provide a positive youth development program, workforce development, aid to the arts, or aid and services to the elderly, low-income individuals, individuals in emergency situations, disabled individuals, or individuals with mental illness; and providing for an effective date."

with the:

Journal Page

STA RPT CS(STA) NT 4DP 1NR 1AM	3004
FN1: ZERO(H.STA/REV)	3005
FIN RPT CS(FIN) NT 3DP 5NR	3403
LETTER OF INTENT WITH FIN REPORT	3404
FN2: (REV)	3404

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. 496(FIN)

"An Act relating to contributions from permanent fund dividends to campuses of the University of Alaska, certain educational organizations, community foundations, and certain other charitable organizations that provide a youth development program, workforce development, aid to the arts, or aid and services to the elderly, low-income individuals, individuals in emergency situations, disabled individuals, or individuals with mental illness; and providing for an effective date."

There being no objection, it was so ordered.

The Speaker stated that, without objection, CSHB 496(FIN) would be moved to the bottom of the calendar.

SECOND READING OF SENATE BILLS**SB 12**

The following was read the second time:

CS FOR SENATE BILL NO. 12(STA)

"An Act relating to financial relationships with persons conducting business in or having headquarters in countries that support or ignore slavery and trafficking in persons."

with the:

Journal Page

STA RPT HCS(STA) NT 6DP	3110
FN3: ZERO(ADM)	3110
FN4: ZERO(LEG)	3110
JUD RPT HCS(STA) NT 5DP 1AM	3320
FN3: ZERO(ADM)	3320
FN4: ZERO(LEG)	3320

**The presence of Representatives Kerttula, McGuire, and Anderson was noted.

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. 12(STA)

"An Act relating to procurement from a person conducting business in or having headquarters in countries that support or ignore slavery and trafficking in persons."

(HCR 43 - title change resolution)

There being no objection, it was so ordered.

**The presence of Representative Seaton was noted.

Representative Coghill moved and asked unanimous consent that HCS CSSB 12(STA) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HCS CSSB 12(STA) will advance to third reading on the May 1, 2006, calendar.

SB 55

The following was read the second time:

CS FOR SENATE BILL NO. 55(FIN)

"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."

with the:

Journal Page

RES RPT 3DP 3NR	2889
FN2: INDETERMINATE(DNR)	2889
FIN RPT 6DP 1NR	3290
FN2: INDETERMINATE(DNR)	3290

Representative Coghill moved and asked unanimous consent that CSSB 55(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 55(FIN) was read the third time.

**The presence of Representative Crawford was noted.

The question being: "Shall CSSB 55(FIN) pass the House?" The roll was taken with the following result:

CSSB 55(FIN)
Third Reading
Final Passage

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

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

Excused: Cissna, Croft, Holm

Absent: Kelly

And so, CSSB 55(FIN) passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

SB 200

The following was read the second time:

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

with the:	Journal Page
JUD RPT HCS(JUD) 5DP 2NR	3034
FN1: ZERO(DPS)	3035
FIN RPT HCS(FIN) 4DP 2NR 1AM	3291
FN1: ZERO(DPS)	3292

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. 200(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 200(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HCS CSSB 200(FIN) will advance to third reading on the May 1, 2006, calendar.

THIRD READING OF SENATE BILLS

SB 177

The following, which was advanced to third reading from the April 28, 2006, calendar (page 3421), was read the third time:

CS FOR SENATE BILL NO. 177(HES)

"An Act eliminating the prohibition on the use by certain licensed professionals of titles or descriptions of services that incorporate the terms 'psychoanalysis,' 'psychoanalyst,' 'psychotherapy,' 'psychotherapeutic,' or 'psychotherapist.'"

**The presence of Representative Kelly was noted.

The Speaker stated that, without objection, CSSB 177(HES) would be held to the May 1, 2006, calendar.

SECOND READING OF HOUSE RESOLUTIONS

HCR 43

The Speaker stated that, without objection, the following would be held to the May 1, 2006, calendar:

HOUSE CONCURRENT RESOLUTION NO. 43

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 12,

relating to the prohibition or elimination of financial relationships with persons that conduct business in countries that support or ignore slavery and trafficking in persons.

SECOND READING OF HOUSE BILLS

(continued)

HB 496

The following, which was moved to the bottom of the calendar (page 3442), was again before the House in second reading:

CS FOR HOUSE BILL NO. 496(FIN)

"An Act relating to contributions from permanent fund dividends to campuses of the University of Alaska, certain educational organizations, community foundations, and certain other charitable organizations that provide a youth development program, workforce development, aid to the arts, or aid and services to the elderly, low-income individuals, individuals in emergency situations, disabled individuals, or individuals with mental illness; and providing for an effective date."

Amendment No. 1 was offered by Representatives Berkowitz and Seaton:

Page 3, line 19:

Delete "10"
Insert "five"

Page 3, line 21, following "subsection.":

Insert "Under no circumstances may grants or contributions from these organizations be used for political purposes, or to lobby on behalf or in opposition to any actual or proposed legislation."

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

There was objection.

Amendment No. 1 to Amendment No. 1 was offered by Representative Stoltze:

Following "or to":

Insert "promote or"

Representative Stoltze moved and asked unanimous consent that Amendment No. 1 to Amendment No. 1 be adopted. There being no objection, it was so ordered.

Amendment No. 2 to Amendment No. 1 was offered by Representative Berkowitz:

Delete

"Page 3, line 21, following "subsection.":

Insert "Under no circumstances may grants or contributions from these organizations be used for political purposes, or to promote or lobby on behalf or in opposition to any actual or proposed legislation.""

Representative Berkowitz moved and asked unanimous consent that Amendment No. 2 to Amendment No. 1 be adopted. There being no objection, it was so ordered.

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

CSHB 496(FIN)

Second Reading

Amendment No. 1 as amended

YEAS: 22 NAYS: 15 EXCUSED: 3 ABSENT: 0

Yeas: Anderson, Berkowitz, Coghill, Crawford, Dahlstrom, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Joule, Kapsner, Kelly, Kerttula, Kohring, LeDoux, Lynn, Moses, Salmon, Seaton, Stoltze

Nays: Chenault, Elkins, Harris, Hawker, Kott, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Thomas, Weyhrauch, Wilson

Excused: Cissna, Croft, Holm

And so, Amendment No. 1 as amended was adopted.

Representative Coghill moved and asked unanimous consent that CSHB 496(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 496(FIN) am was read the third time.

The question being: "Shall CSHB 496(FIN) am pass the House?" The roll was taken with the following result:

CSHB 496(FIN) am

Third Reading

Final Passage

YEAS: 34 NAYS: 3 EXCUSED: 3 ABSENT: 0

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

Nays: Kelly, Neuman, Weyhrauch

Excused: Cissna, Croft, Holm

And so, CSHB 496(FIN) am 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 Coghill moved and asked unanimous consent that the House adopt the House Finance Committee letter of intent (page 3404). There being no objection, it was so ordered.

CSHB 496(FIN) am was referred to the Chief Clerk for engrossment.

CONCUR IN SENATE AMENDMENTS**HB 408**

Representative Coghill moved and asked unanimous consent that the House consider the Senate message (page 3400) on the following:

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."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 408(FIN)

"An Act relating to the standard of proof required to terminate parental rights and for placement of a child 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; relating to child abuse or neglect investigations and training; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

(SCR 26 - title change resolution)

There being no objection, it was so ordered.

Representative Coghill moved that the House concur in the Senate amendment to CSHB 408(FIN) am, thus adopting SCS CSHB 408(FIN), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 408(FIN) am?" The roll was taken with the following result:

SCS CSHB 408(FIN)

Concur

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

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

Excused: Cissna, Croft, Holm

Absent: Kelly

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 408(FIN).

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 roll call on the passage of the bill be considered the roll call on the court rule change. There being no objection, it was so ordered.

The Chief Clerk notified the Senate.

SCS CSHB 408(FIN) was referred to the Chief Clerk for enrollment.

SPECIAL ORDER OF BUSINESS

SCR 26

Representative Coghill moved and asked unanimous consent that the following be taken up as a Special Order of Business:

SENATE CONCURRENT RESOLUTION NO. 26

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 408, 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; and amending Rule 18, Alaska Child in Need of Aid Rules of Procedure.

There being no objection, it was so ordered.

The question being: "Shall SCR 26 pass the House?" The roll was taken with the following result:

SCR 26

Special Order of Business

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

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

Excused: Cissna, Croft, Holm

Absent: Kelly

And so, SCR 26 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

RECONSIDERATION**HB 485**

Representative Rokeberg moved and asked unanimous consent that reconsideration (page 3426) of the following be held to May 1, 2006:

HOUSE BILL NO. 485(fld H)

"An Act amending the State Personnel Act to place in the exempt service pharmacists and physicians employed in the Department of Health and Social Services or in the Department of Corrections and corporate income tax forensic auditors employed by the division of the Department of Revenue principally responsible for the collection and enforcement of state taxes who specialize in apportionment analysis and tax shelters of multistate corporate taxpayers; and providing for an effective date."

There being no objection, it was so ordered, and HB 485(fld H) will be available for reconsideration on May 1, 2006.

UNFINISHED BUSINESS**SB 12**

Representatives Dahlstrom and Gardner added their names as cross sponsors to:

HOUSE CS FOR CS FOR SENATE BILL NO. 12(STA)

"An Act relating to procurement from a person conducting business in or having headquarters in countries that support or ignore slavery and trafficking in persons."

SB 200

Representatives Dahlstrom, Lynn, and Chenault added their names as cross sponsors to:

HOUSE CS FOR CS FOR SENATE BILL NO. 200(FIN)

"An Act relating to defense of self, other persons, property, or services."

ENGROSSMENT**HB 496**

CSHB 496(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted with a House letter of intent to the Senate for consideration.

ANNOUNCEMENTS

With appointment of the Conference Committee on the operating budget, Rule 23(d) of the Uniform Rules is in effect as of April 24, 2006.

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., May 1, 2006. There being no objection, the House adjourned at 12:12 p.m.

Suzi Lowell
Chief Clerk