

**HOUSE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-FIFTH LEGISLATURE**

**Juneau, Alaska**

**Monday**

**April 2, 2007**

**Seventy-seventh Day**

Pursuant to adjournment the House was called to order by Speaker Harris at 11:17 a.m.

Roll call showed 37 members present. Representatives Foster and Stoltze had been excused from a call of the House today. Representative Nelson was excused through evening plane time and her presence was noted later.

Representative Samuels moved and asked unanimous consent that Representative Fairclough be excused from a call of the House from 12:00 p.m. to 1:00 p.m., today. There being no objection, it was so ordered.

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

With the deepest respect for the religious beliefs of all Alaskans, I offer the following prayer by Rabbi Chaim Stern.

O God, let me never accept the judgment of others upon me as final, nor ever decide about others before I have met them. Let me not judge others by the label on their clothes, or by their names. Keep me from forgetting that everyone, including me, speaks with an accent, and keep on reminding me that being born is a fate and privilege shared by every one of us. Maybe then someone else will give *me* the benefit of the doubt - a benefit I sorely need.

The Pledge of Allegiance was led by Representative Gara.

### **CERTIFICATION OF THE JOURNAL**

Representative Samuels moved and asked unanimous consent that the journal for the 74<sup>th</sup>, 75<sup>th</sup>, and 76<sup>th</sup> legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

A letter dated March 30, 2007, was read stating that, in accordance with AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the board noted.

The Speaker referred the following to the House Special Committee on Fisheries and the Resources Committee:

#### **Board of Fisheries**

Mr. Howard Delo - Big Lake

Appointed: 7/1/2007      Term Expires: 6/30/2010

Mr. Larry Edfelt - Auke Bay

Appointed: 3/8/2007      Term Expires: 6/30/2008

Mr. Claude (Vince) Webster - King Salmon

Appointed: 7/1/2007      Term Expires: 6/30/2010

Resumes for the appointments are on file in the Chief Clerk's office.

### **REPORTS OF STANDING COMMITTEES**

The Resources Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Mr. Tom Irwin

as Commissioner of the Department of Natural Resources.

The report was signed by Representatives Johnson and Gatto, Co-chairs; and Representatives Kohring, Seaton, Wilson, and Roses.

The Resources Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Ms. Cathy P. Foerster

as a member of the Alaska Oil and Gas Conservation Commission.

The report was signed by Representatives Johnson and Gatto, Co-chairs; and Representatives Seaton, Wilson, and Roses.

### **HB 113**

The Health, Education & Social Services Committee considered:

#### **HOUSE BILL NO. 113**

"An Act relating to the prescription and use of pharmaceutical agents, including controlled substances, by optometrists."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 113(HES)  
(same title)

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

Do pass (4): Cissna, Seaton, Neuman, Fairclough

No recommendation (1): Gardner

Amend (2): Roses, Wilson

The following fiscal note(s) apply to CSHB 113(HES):

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

HB 113 was referred to the Labor & Commerce Committee.

**HB 137**

The Finance Committee considered:

**HOUSE BILL NO. 137**

"An Act amending the requirements for the identification card needed for sport fishing, hunting, and trapping without a license by residents who are 60 years of age or more."

and recommends it be replaced with:

**CS FOR HOUSE BILL NO. 137(FIN)**

"An Act providing for free hunting and sport fishing licenses for active members of the Alaska National Guard; and amending the requirements for the identification card needed for sport fishing, hunting, and trapping without a license by residents who are 60 years of age or more; and providing for an effective date."

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

Do pass (6): Gara, Foster, Crawford, Thomas, Meyer, Chenault

No recommendation (5): Joule, Nelson, Hawker, Stoltze, Kelly

The following fiscal note(s) apply to CSHB 137(FIN):

2. Fiscal, Dept. of Fish & Game

HB 137 was referred to the Rules Committee for placement on the calendar.

**INTRODUCTION OF CITATIONS**

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

Honoring - Casey Marre  
By Representatives Gatto, Neuman

Honoring - Cheryl Fecko  
By Representative Thomas

In Memoriam - SFC Christopher Robert Brevard  
By Representatives Gatto, Dahlstrom

In Memoriam - Gladene Lorraine Stewart  
By Senator Stevens; Representative LeDoux

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

#### **HB 231**

HOUSE BILL NO. 231 by Representatives Doll and Gruenberg,  
entitled:

"An Act relating to eligibility requirements for medical assistance  
for certain children, pregnant women, and disabled persons; and  
providing for an effective date."

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

### **CONSIDERATION OF THE DAILY CALENDAR**

#### **SECOND READING OF HOUSE BILLS**

#### **HB 109**

The following was read the second time:

#### **HOUSE BILL NO. 109**

"An Act relating to the requirement for candidates, groups,  
legislators, public officials, and other persons to submit reports  
electronically to the Alaska Public Offices Commission; relating  
to disclosures by legislators, public members of the Select  
Committee on Legislative Ethics, legislative directors, public  
officials, and certain candidates for public office concerning

services performed for compensation and concerning certain income, gifts, and other financial matters; requiring legislators, public members of the Select Committee on Legislative Ethics, legislative directors, public officials, and municipal officers to make certain financial disclosures when they leave office; relating to insignificant ownership interest in a business and to gifts from lobbyists for purposes of the Alaska Executive Branch Ethics Act; relating to certain restrictions on employment after leaving state service for purposes of the Alaska Executive Branch Ethics Act; and providing for an effective date."

with the:

Journal Page

STA RPT CS(STA) NT 3DP 1NR 3AM	409
FN1: ZERO(ADM)	410
FN2: ZERO(LAW)	410
JUD RPT CS(JUD) NT 3DP 1NR 3AM	596
FN1: ZERO(ADM)	597
FN2: ZERO(LAW)	597

Representative Samuels moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 109(JUD)

"An Act denying public employee retirement pension benefits to certain legislators, legislative directors, and public officers who commit certain offenses, and adding to the duties of the Alaska Retirement Management Board and to the list of matters governed by the Administrative Procedure Act concerning that denial; relating to campaign financing and ethics, including disclosures, in state and municipal government, to lobbying, and to employment, service on boards, and disclosures by certain public officers and employees who leave state or municipal service or leave certain positions in state or municipal government; restricting representation of others by legislators and legislative employees; relating to blind trusts approved by the Alaska Public Offices Commission; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Dahlstrom:

Page 13, following line 15:

Insert a new bill section to read:

"\* **Sec. 20.** AS 24.60 is amended by adding a new section to read:

**Sec. 24.60.075. Compassionate gift exemption.** (a) Notwithstanding AS 24.45.121 and AS 24.60.080, a person may give a compassionate gift to a legislator or legislative employee, and a legislator or a legislative employee may solicit, receive, or accept a compassionate gift from a person, subject to the limitations in (b) - (e) of this section.

(b) A compassionate gift may not be solicited, accepted, or received unless a written request has been approved in writing by the chair of the legislative council, and the committee chair or vice-chair has approved in writing the decision of the chair of the legislative council.

(c) A legislator or legislative employee may not solicit, accept, or receive, directly or indirectly, compassionate gifts worth less than \$250 that in a calendar year aggregate to \$250 or more in value and are from the same person. A legislator or legislative employee who receives a compassionate gift, directly or indirectly, shall disclose to the committee the name of the gift's source and the value of the gift within 30 days after receipt.

(d) In this section, the value of a gift shall be determined by the fair market value of the gift, to the extent that the fair market value can be determined.

(e) In this section, "compassionate gift" means a solicited or unsolicited gift intended to aid or comfort a recipient or a member of the recipient's immediate family in contending with a catastrophe, a tragedy, or a health-related emergency."

Renumber the following bill sections accordingly.

Page 34, line 13:

Delete "sec. 51"

Insert "sec. 52"

Page 37, line 20:

Delete "sec. 57"

Insert "sec. 58"

Page 37, line 21:

Delete "sec. 57"

Insert "sec. 58"

Page 37, line 22:

Delete "sec. 58"

Insert "sec. 59"

Page 37, line 25:

Delete "sec. 58"

Insert "sec. 59"

Page 37, line 26:

Delete "sec. 59"

Insert "sec. 60"

Page 37, line 30:

Delete "sec. 59"

Insert "sec. 60"

Page 38, line 3:

Delete "sec. 43"

Insert "sec. 44"

Page 38, line 5:

Delete "39, and 52"

Insert "40, and 53"

Page 38, line 6:

Delete "Section 51"

Insert "Section 52"

Page 38, line 7:

Delete "secs. 65 and 66"

Insert "secs. 66 and 67"

Representative Dahlstrom 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.



Amendment No. 2 was offered by Representatives Gara, Gardner, Kerttula, and Doll:

Page 35, line 20, following "\$5,000":

Insert "; however, a personal or financial interest in a matter is not presumed insignificant if the public officer

(1) is a member of the board of directors or another governing body of the business;

(2) is an elected officer of the business;

(3) provides or has an option to provide personal or professional services, for compensation, to the business;

(4) has a contract with the business; or

(5) is an employee of the business"

Representative Gara moved and asked unanimous consent that Amendment No. 2 be adopted.

There was objection.

Representative Gara moved and asked unanimous consent to withdraw Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representatives Gara, Gardner, and Kerttula:

Page 35, line 20, following "interest":

Insert ", including an option to purchase an ownership interest,"

Representative Gara moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Coghill objected and withdrew the objection. There being no further objection, Amendment No. 3 was adopted.

Amendment No. 4 was offered by Representatives Gara, Gardner, Coghill, Roses, Lynn, Doogan, Crawford, and Buch:

Page 1, line 1, following "**Act**" (title amendment):

Insert "**relating to bribery, receiving unlawful gratuities, and campaign contributions;**"

Page 1, following line 11:

Insert a new bill section to read:

**\*\* Section 1.** AS 11.56.130 is amended to read:

**Sec. 11.56.130. Definition.** In AS 11.56.100 - 11.56.130, "benefit" has the meaning ascribed to it in AS 11.81.900 but does not include

(1) political campaign contributions reported in accordance with AS 15.13 **unless the contribution is made or received in exchange for an agreement to alter an elected official's or candidate's vote or position on a matter the elected official has, or the candidate on election would have, the authority to take official action on; in this paragraph, "official action" has the meaning given in AS 39.52.960;**

(2) concurrence in official action in the cause of legitimate compromise between public servants; or

(3) support, including a vote, solicited by a public servant or offered by any person in an election."

Page 1, line 12:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

Page 2, line 31:

Delete "sec. 4"

Insert "sec. 5"

Page 37, line 20:

Delete "sec. 57"

Insert "sec. 58"

Page 37, line 21:

Delete "sec. 57"

Insert "sec. 58"

Page 37, line 22:

Delete "sec. 58"

Insert "sec. 59"

Page 37, line 25:

Delete "sec. 58"

Insert "sec. 59"

Page 37, line 26:

Delete "sec. 59"

Insert "sec. 60"

Page 37, line 30:

Delete "sec. 59"

Insert "sec. 60"

Page 37, line 20, following "(a)":

Insert a new subsection to read:

"The amendment of AS 11.56.130(1) made by sec. 1 of this Act applies to offenses occurring on or after the effective date of sec. 1 of this Act."

Reletter the following subsections accordingly.

Page 38, line 3:

Delete "sec. 43"

Insert "sec. 44"

Page 38, line 5:

Delete "Sections 5, 39, and 52"

Insert "Sections 6, 40, and 53"

Page 38, line 6:

Delete "Section 51"

Insert "Section 52"

Page 38, line 7:

Delete "secs. 65 and 66"

Insert "secs. 66 and 67"

Representative Gara moved and asked unanimous consent that Amendment No. 4 be adopted. There being no objection, it was so ordered and the new title follows:

CS FOR HOUSE BILL NO. 109(JUD) am

"An Act relating to bribery, receiving unlawful gratuities, and campaign contributions; denying public employee retirement pension benefits to certain legislators, legislative directors, and public officers who commit certain offenses, and adding to the duties of the Alaska Retirement Management Board and to the list of matters governed by the Administrative Procedure Act concerning that denial; relating to campaign financing and ethics, including disclosures, in state and municipal government, to lobbying, and to employment, service on boards, and disclosures by certain public officers and employees who leave state or municipal service or leave certain positions in state or municipal government; restricting representation of others by legislators and legislative employees; relating to blind trusts approved by the Alaska Public Offices Commission; and providing for an effective date."

Amendment No. 5 was offered by Representative LeDoux:

Page 17, lines 24 - 25:

Delete "**, other than a person that is controlled by the legislator or legislative employee.**"

Page 18, lines 2 - 4:

Delete "another person, **other than a person that is controlled by the legislator or legislative employee,** for compensation, **other than compensation paid by the state.**"

Insert "**any** [ANOTHER] person, **including the legislator or the legislative employee,** [FOR COMPENSATION]"

Page 18, line 5, following "branch":

Insert "**unless the representation is part of the legislator's or the legislative employee's official duties**"

Representative LeDoux moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative Coghill objected.

Representative LeDoux placed a call of the House.

The call was satisfied.

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

CSHB 109(JUD) am  
Second Reading  
Amendment No. 5

**YEAS: 21 NAYS: 16 EXCUSED: 3 ABSENT: 0**

Yeas: Buch, Cissna, Crawford, Doll, Doogan, Edgmon, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Holmes, Joule, Kawasaki, Kerttula, Kohring, LeDoux, Lynn, Roses, Salmon, Seaton

Nays: Chenault, Coghill, Dahlstrom, Fairclough, Harris, Hawker, Johansen, Johnson, Kelly, Meyer, Neuman, Olson, Ramras, Samuels, Thomas, Wilson

Excused: Foster, Nelson, Stoltze

And so, Amendment No. 5 was adopted.

Amendment No. 6 was offered by Representative Guttenberg:

Page 2, lines 6 - 17:  
Delete all material.

Renumber the following bill sections accordingly.

Page 37, line 20:  
Delete "sec. 57"  
Insert "sec. 56"

Page 37, line 21:  
Delete "sec. 57"  
Insert "sec. 56"

Page 37, line 22:  
Delete "sec. 58"  
Insert "sec. 57"

Page 37, line 25:

Delete "sec. 58"

Insert "sec. 57"

Page 37, line 26:

Delete "sec. 59"

Insert "sec. 58"

Page 37, line 30:

Delete "sec. 59"

Insert "sec. 58"

Page 38, line 3:

Delete "sec. 43"

Insert "sec. 42"

Page 38, line 5:

Delete "Sections 5, 39, and 52"

Insert "Sections 4, 38, and 51"

Page 38, line 6:

Delete "Section 51"

Insert "Section 50"

Page 38, line 7:

Delete "secs. 65 and 66"

Insert "secs. 64 and 65"

Representative Guttenberg moved and asked unanimous consent that Amendment No. 6 be adopted.

There was objection.

Representative Guttenberg moved and asked unanimous consent to withdraw Amendment No. 6. There being no objection, it was so ordered.

Amendment No. 7 was offered by Representatives Gruenberg, Ramras, Kawasaki, and Gara:

Page 26, line 16:

Following "defraud,":

Delete "or"

Following "fraud":

Insert ", mail fraud, misuse of funds, corruption, or tax evasion"

Representative Gruenberg moved and asked unanimous consent that Amendment No. 7 be adopted. There being no objection, it was so ordered.

\*\*Representative Fairclough, who was excused (page 643), left the Chamber.

Representative Samuels moved and asked unanimous consent that CSHB 109(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 109(JUD) am was read the third time.

The question being: "Shall CSHB 109(JUD) am pass the House?"  
The roll was taken with the following result:

CSHB 109(JUD) am

Third Reading

Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

Yeas: Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Kelly, Kerttula, Kohring, LeDoux, Lynn, Meyer, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Thomas, Wilson

Excused: Fairclough, Foster, Nelson, Stoltze

And so, CSHB 109(JUD) am passed the House.

Representative Samuels moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clauses. There being no objection, it was so ordered.

CSHB 109(JUD) am was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would recess to 5:00 p.m.; and so, the House recessed at 12:37 p.m.

### **AFTER RECESS**

The Speaker called the House back to order at 5:19 p.m.

\*\*The presence of Representative Nelson was noted.

### **SECOND READING OF HOUSE BILLS**

(continued)

#### **HB 171**

The following was read the second time:

#### **HOUSE BILL NO. 171**

"An Act relating to the terms of legislators, the date and time for convening regular legislative sessions, adoption of uniform rules of the legislature and to certain of those rules, the date for organizing the Legislative Budget and Audit Committee, and deadlines for certain matters or reports to be delivered to the legislature or filed; prohibiting bonuses for legislative employees; and providing for an effective date."

with the:

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STA RPT CS(STA) NT 1DP 3NR 2AM  
FN1: ZERO(GOV/ALL DEPTS)

624  
624

The Speaker stated that, without objection, HB 171 would be held in second reading to tomorrow's calendar.

### **SECOND READING OF HOUSE RESOLUTIONS**

#### **HR 6**

The following was read the second time:



**HOUSE RESOLUTION NO. 6**

Encouraging all states to oppose the decision of the United States Fish and Wildlife Service to list the polar bear as a threatened species.

The Speaker stated that, without objection, HR 6 would be held to tomorrow's calendar.

**LEGISLATIVE CITATIONS**

Representative Samuels 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:

Honoring - Haines High School Cheer and Stunt Squad

By Representatives Thomas, Harris, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Kelly, Kerttula, Kohring, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Wilson

**UNFINISHED BUSINESS**

Representative Samuels 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 6:00 p.m., April 3 to morning plane time, April 10

Representative Kawasaki - from 7:00 a.m., April 4 to afternoon plane time, April 9

Representative Kerttula - from 1:00 p.m. to 5:00 p.m., April 3

**HB 182**

Representatives Dahlstrom and Gruenberg added their names as cosponsors to:

HOUSE BILL NO. 182

"An Act making the offering of certain promotional checks an unfair or deceptive act or practice."

**HB 220**

Representative Wilson added her name as cosponsor to:

HOUSE BILL NO. 220

"An Act prohibiting computer-assisted remote hunting."

**SB 45**

Representative Foster added his name as cross sponsor to:

CS FOR SENATE BILL NO. 45(JUD)

"An Act relating to murder in the first degree."

**ENGROSSMENT**

**HB 109**

CSHB 109(JUD) am 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 Samuels moved and asked unanimous consent that the House adjourn until 11:00 a.m., April 3, 2007. There being no objection, the House adjourned at 5:28 p.m.

Suzi Lowell  
Chief Clerk