

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE

Juneau, Alaska

Tuesday

April 10, 2007

Eighty-fifth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:19 a.m.

Roll call showed 37 members present.

Representative Samuels moved and asked unanimous consent that Representative Joule's excused absence (page 703) be extended to evening plane time, today. There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that the following members' excused absences be extended to 1:00 p.m., today: Representatives Dahlstrom (page 683) and Salmon (page 696). 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.

Recognizing the differences represented here today, I would ask you please to join with me in prayer.

Dear Lord:

Thank you for each person here today whom you have called to serve in leadership of this great state. I pray that each representative would take seriously their role in representing

their districts well. Help these legislators to be men and women of integrity. Keep them from any distractions that would hinder them in their appointed duties.

As chaplain here, Lord, I recognize that the strength to persevere cannot come only from within ourselves. Your word also gives us hope of your strength. I think of King David's words, a man also embroiled in the stresses of politics. Thank you for his words of faith found in Psalms 62:1-2: *Truly, my soul silently waits for God; from Him comes my salvation. He only is my rock and my salvation, He is my defense; I shall not be greatly moved.* Thank you for the strength of character - for the stability that is found in those who follow you.

With a confidence in your listening ear, I lift these requests before you in the name of your son, Jesus Christ. Amen.

The Pledge of Allegiance was led by Representative Fairclough.

CERTIFICATION OF THE JOURNAL

Representative Samuels moved and asked unanimous consent that the journal for the 80th, 81st, 82nd, 83rd, and 84th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

The following was received:

Dept. of Administration
Office of the Commissioner
Procurement Report
A Summary of Executive Branch Activity
Fiscal Years 2005 and 2006
(as required by AS 36.30.540)

REPORTS OF STANDING COMMITTEES**HB 176**

The Resources Committee considered:

HOUSE BILL NO. 176

"An Act creating the Fort Rousseau Causeway State Historical Park."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 176(RES)

(same title)

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

Do pass (6): Roses, Seaton, Kohring, Guttenberg, Gatto, Johnson

The following fiscal note(s) apply to CSHB 176(RES):

1. Fiscal, Dept. of Natural Resources

HB 176 was referred to the Finance Committee.

HB 181

The Health, Education & Social Services Committee considered:

HOUSE BILL NO. 181

"An Act relating to traffic offenses and traffic offenses committed in a school zone; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 181(HES)

(same title)

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

Do pass (5): Cissna, Fairclough, Seaton, Roses, Wilson

Do not pass (1): Gardner

Amend (1): Neuman

The following fiscal note(s) apply to CSHB 181(HES):

1. Zero, Dept. of Public Safety
2. Fiscal, Dept. of Administration

HB 181 was referred to the Judiciary Committee.

HB 194

The Resources Committee considered:

HOUSE BILL NO. 194

"An Act relating to fines for certain offenses involving aeronautics, 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; relating to violations and offenses that are committed on state land, water, and land and water or that are related to water management or dam and reservoir safety; 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. 194(RES)
(same title)

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

Do pass (4): Roses, Seaton, Gatto, Johnson

No recommendation (2): Kohring, Guttenberg

The following fiscal note(s) apply to CSHB 194(RES):

1. Zero, Dept. of Administration
2. Zero, Dept. of Administration
3. Zero, Dept. of Law
4. Zero, Dept. of Natural Resources
5. Zero, Dept. of Public Safety
6. Indeterminate, Dept. of Environmental Conservation
7. Indeterminate, Dept. of Environmental Conservation
8. Indeterminate, Dept. of Labor & Workforce Development
9. Indeterminate, Dept. of Public Safety

HB 194 was referred to the Judiciary Committee.

HB 212

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 212

"An Act authorizing the transfer of land from the Alaska Railroad Corporation to Eklutna, Inc.; and providing for an effective date."

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

Do pass (6): Cissna, Neuman, Olson, Salmon, Fairclough, LeDoux

The following fiscal note(s) apply:

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

HB 212 was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES**HB 204**

The House Special Committee on Ways & Means considered:

HOUSE BILL NO. 204

"An Act relating to the public employees' and teachers' defined benefit retirement plans; relating to the public employees' and teachers' defined contribution retirement plans; relating to the judicial retirement system; relating to the health reimbursement arrangement plan for certain teachers and public employees; relating to the supplemental employee benefit program; relating to the public employees' deferred compensation program; relating to group insurance for public employees and retirees; making conforming amendments; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 204(W&M)
(same title)

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

Do pass (6): Fairclough, Wilson, Cissna, Seaton, Roses, Hawker

No recommendation (1): Gruenberg

The following fiscal note(s) apply to CSHB 204(W&M):

1. Zero, Dept. of Administration
2. Zero, Dept. of Administration

HB 204 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 - Kake Thunderbirds Boys Basketball Team
By Representative Thomas; Senator Kookesh

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 136

The following was read the second time:

HOUSE BILL NO. 136

"An Act relating to dental hygienists."

with the:

Journal Page

HES RPT 5DP	410
FN1: INDETERMINATE(CED)	411
L&C RPT 7DP	514
FN1: INDETERMINATE(CED)	515
FIN RPT CS(FIN) 5DP 6NR	597
FN2: INDETERMINATE(CED)	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. 136(FIN)
(same title)

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that CSHB 136(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 136(FIN) will advance to third reading on tomorrow's calendar.

HB 198

The following, which was held from the April 5, 2007, calendar (page 709), was read the second time:

HOUSE BILL NO. 198

"An Act establishing the Alaska senior assistance payment program; repealing the senior care and longevity bonus payment programs; and providing for an effective date."

with the:	Journal Page
HES RPT 4DP 1AM	557
FN1: ZERO(ADM)	557
FN2: (HSS)	557
FIN RPT CS(FIN) NT 8DP 1NR 2AM	688
FN1: ZERO(ADM)	689
FN3: (HSS)	689
FN4: (HSS)	689
FN5: (HSS)	689
FN6: (HSS)	689

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. 198(FIN)

"An Act establishing the Alaska senior benefits payment program; repealing the senior care and longevity bonus payment programs; amending medical assistance income eligibility provisions for persons under 19 years of age, for pregnant women, and for disabled persons; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Lynn, Stoltze, Neuman, LeDoux, Gara, Doll, Gardner, Guttenberg, and Gruenberg:

Page 1, line 2 (title amendment):

Delete "**and longevity bonus programs**"

Insert "**program**"

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Page 2, line 1:

Delete "**former**"

Page 2, lines 13 - 20:

Delete all material.

Renumber the following bill sections accordingly.

Page 2, lines 24 - 26:

Delete all material.

Renumber the following bill sections accordingly.

Page 6, lines 26 - 29:

Delete all material.

Renumber the following bill sections accordingly.

Page 9, lines 14 - 16:

Delete all material and insert:

"* **Sec. 12.** AS 47.45.320 is repealed."

Page 9, line 24:

Delete "sec. 12"

Insert "sec. 9"

Page 9, line 31:

Delete "sec. 7"

Insert "sec. 4"

Page 10, lines 6 - 16:

Delete all material and insert:

"* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY AND REVIVAL. If secs. 1 - 12 of this Act take effect after June 30, 2007,

(1) AS 47.45.300 - 47.45.390, as amended by this Act, the repeal of AS 47.45.320, and secs. 11, 12, and 14 of this Act, are retroactive to June 30, 2007; and

(2) AS 47.45.300, 47.45.310, 47.45.330, 47.45.340, 47.45.350, 47.45.360, and 47.45.390, as amended by this Act, are revived.

* **Sec. 18.** Sections 15, 16(b), and 17 of this Act take effect immediately under AS 01.10.070(c).

* **Sec. 19.** Except as provided in sec. 18 of this Act, this Act takes effect June 30, 2007."

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

Representative Kelly objected.

Representative Coghill rose to a point of order.

The Speaker cautioned members to confine remarks to the amendment.

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

CSHB 198(FIN)

Second Reading

Amendment No. 1

YEAS: 20 NAYS: 17 EXCUSED: 3 ABSENT: 0

Yeas: Buch, Crawford, Doll, Edgmon, Gara, Gardner, Gruenberg, Guttenberg, Harris, Holmes, Kawasaki, Kerttula, Kohring, LeDoux, Lynn, Meyer, Nelson, Neuman, Ramras, Stoltze

Nays: Chenault, Cissna, Coghill, Doogan, Fairclough, Foster, Gatto, Hawker, Johansen, Johnson, Kelly, Olson, Roses, Samuels, Seaton, Thomas, Wilson

Excused: Dahlstrom, Joule, Salmon

And so, Amendment No. 1 was adopted and the new title follows:

CS FOR HOUSE BILL NO. 198(FIN) am

"An Act establishing the Alaska senior benefits payment program; repealing the senior care program; amending medical assistance income eligibility provisions for persons under 19 years of age, for pregnant women, and for disabled persons; and providing for an effective date."

The Speaker stated that, without objection, CSHB 198(FIN) am would be returned to the Rules Committee.

LEGISLATIVE CITATIONS

Representative Samuels 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 - Ada Johnson's 75th Birthday

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

Honoring - Cordova Wolverines Volleyball Team

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

In Memoriam - Chief Franklin Madros, Sr.

By Senator Kookesh; Representatives Salmon, Harris, Chenault, Cissna, Coghill, Doogan, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Kerttula, Kohring, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Samuels, Seaton, Stoltze, Thomas, Wilson

In Memoriam - Kelly Ann Kompkoff

By Senator Kookesh; Representatives Thomas, Harris, Chenault, Cissna, Coghill, Doogan, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Kerttula, Kohring, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Wilson

In Memoriam - James Duros

By Senator Stevens; Representatives LeDoux, Harris, Chenault, Cissna, Coghill, Doogan, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Kerttula, Kohring, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

UNFINISHED BUSINESS

HB 181

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 181

"An Act relating to traffic offenses and traffic offenses committed in a school zone; and providing for an effective date."

HB 181 is in the Judiciary Committee.

HB 87

Representatives Foster and Stoltze added their names as cosponsors to:

HOUSE BILL NO. 87

"An Act reestablishing the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date."

HB 152

Representative Doll added her name as cosponsor to:

HOUSE BILL NO. 152

"An Act establishing a renewable energy fund and describing its uses and purposes."

HB 175

Representatives Hawker and Foster added their names as cosponsors to:

HOUSE BILL NO. 175

"An Act relating to the prohibition of the exercise of the power of eminent domain against a recreational structure for the purposes of developing a recreational facility or project."

HB 198

Representative Cissna added her name as cosponsor to:

CS FOR HOUSE BILL NO. 198(FIN)

"An Act establishing the Alaska senior benefits payment program; repealing the senior care and longevity bonus payment programs; amending medical assistance income eligibility provisions for persons under 19 years of age, for pregnant women, and for disabled persons; and providing for an effective date."

HB 200

Representative Stoltze added his name as cosponsor to:

HOUSE BILL NO. 200

"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 210

The following, which was engrossed and signed by the Speaker and Chief Clerk (page 700), was transmitted to the Senate for consideration:

HOUSE BILL NO. 210

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

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Samuels moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 11, 2007. There being no objection, the House adjourned at 11:26 a.m.

Suzi Lowell
Chief Clerk