

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE

Juneau, Alaska

Monday

April 23, 2007

Ninety-eighth Day

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

Roll call showed 37 members present. Representative Foster had been excused from a call of the House today.

Representative Samuels moved and asked unanimous consent that Representative Kerttula be excused from a call of the House from today to evening plane time, April 29. There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that Representative Joule be excused from a call of the House to evening plane time, today. There being no objection, it was so ordered.

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

Eternal God, we thank you for your gift of hope, our strength in times of trouble. Beyond the injustice of our time, its cruelty and its wars, we look forward to a world at peace when men and women deal kindly with each other, and no one is afraid. Every bad deed delays its coming, every good deed brings it nearer. May our lives be your witness, so that future generations bless us. May the time come when the sun of righteousness will rise on its healing wings. Help us to

pray for it, to wait for it, to work for it, and to be worthy of it.
We praise you, O God, for the gift of hope.

Now our minds and prayers and feelings are with Bruce
Weyhrauch and his family. Amen.

The Pledge of Allegiance was led by Representative Salmon.

CERTIFICATION OF THE JOURNAL

Representative Samuels moved and asked unanimous consent that the journal for the 95th, 96th, and 97th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

* * * * *

Representative Nelson introduced Clyde Hoffman, Guest Page, from Anchorage.

MESSAGES FROM THE SENATE

HCR 5

A message dated April 20, 2007, was read stating the Senate passed:

HOUSE CONCURRENT RESOLUTION NO. 5
Supporting the 2007 National Crime Victims' Rights Week.

HCR 5 was referred to the Chief Clerk for enrollment.

HB 168

A message dated April 20, 2007, was read stating the Senate passed:

HOUSE BILL NO. 168
"An Act authorizing two exchanges of land between the Alaska Railroad Corporation and the Department of Transportation and Public Facilities; and providing for an effective date."

HB 168 was referred to the Chief Clerk for enrollment.

HB 95

A message received at 1:41 p.m., April 20, 2007, was read stating the Senate passed CSHB 95(FIN) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 95(FIN) am S

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date."

CSHB 95(FIN) is under Unfinished Business.

REPORTS OF STANDING COMMITTEES**HB 13**

The Finance Committee considered:

HOUSE BILL NO. 13

"An Act relating to prepayments of accrued actuarial liabilities of government retirement systems; relating to the Alaska Municipal Bond Bank Authority; permitting the Alaska Municipal Bond Bank Authority or a subsidiary of the authority to assist state and municipal governmental employers by issuing bonds, notes, commercial paper, or other obligations to enable the governmental employers to prepay all or a portion of the governmental employers' shares of the unfunded accrued actuarial liabilities of retirement systems; authorizing a governmental employer to issue obligations to prepay all or a portion of the governmental employer's shares of the unfunded accrued actuarial liabilities of retirement systems and to enter into a lease or other contractual agreement with a trustee or the Alaska Municipal Bond Bank Authority or a subsidiary of the authority in connection with the issuance of obligations for that purpose, and relating to those obligations; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 13(FIN)

"An Act relating to prepayments of accrued actuarial liabilities of government retirement systems; relating to the Alaska Municipal Bond Bank Authority, the Alaska Housing Finance Corporation, and the state bond committee; establishing the Alaska Pension Obligation Bond Corporation; permitting the Alaska Municipal Bond Bank Authority or a subsidiary of the authority, a subsidiary of the Alaska Housing Finance Corporation, the state bond committee, and the Alaska Pension Obligation Bond Corporation to assist state and municipal governmental employers by issuing bonds, notes, commercial paper, or other obligations to enable the governmental employers to prepay all or a portion of the governmental employers' shares of the unfunded accrued actuarial liabilities of retirement systems; authorizing a governmental employer to issue obligations to prepay all or a portion of the governmental employer's shares of the unfunded accrued actuarial liabilities of retirement systems and to enter into a lease or other contractual agreement with a trustee, the Alaska Municipal Bond Bank Authority or a subsidiary of the authority, a subsidiary of the Alaska Housing Finance Corporation, the state bond committee, or the Alaska Pension Obligation Bond Corporation in connection with the issuance of obligations for that purpose, and relating to those obligations; relating to revision of the employer contribution rate in connection with financed prepayment of unfunded accrued actuarial liabilities of government retirement systems; and providing for an effective date."

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

Do pass (5): Crawford, Thomas, Kelly, Hawker, Meyer

No recommendation (2): Gara, Chenault

The following fiscal note(s) apply to CSHB 13(FIN):

1. Zero, Dept. of Revenue
2. Indeterminate, House Finance Committee/Dept. of Administration

HB 13 was referred to the Rules Committee for placement on the calendar.

HB 159

The Finance Committee considered:

HOUSE BILL NO. 159

"An Act relating to the issuance of a certificate of birth resulting in a stillbirth."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 159(JUD)

(same title)

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

Do pass (4): Thomas, Nelson, Kelly, Meyer

No recommendation (2): Crawford, Chenault

The following fiscal note(s) apply to CSHB 159(JUD):

1. Fiscal, Dept. of Health & Social Services

HB 159 was referred to the Rules Committee for placement on the calendar.

HB 163

The Labor & Commerce Committee considered:

HOUSE BILL NO. 163

"An Act relating to real property foreclosures, executions, and deeds of trust."

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

Do pass (1): Ramras

No recommendation (4): Buch, LeDoux, Neuman, Olson

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Zero, Dept. of Revenue

HB 163 was referred to the Judiciary Committee.

HB 170

The Finance Committee considered:

HOUSE BILL NO. 170

"An Act relating to annual audit reports by insurers, to custodians of insurer assets, to writing workers' compensation insurance by surplus lines insurers, to reports by surplus lines insurers, to the definition of 'wet marine and transportation insurance,' to false or misleading financial statements concerning insurance audits, and to the membership of the Alaska Life and Health Insurance Guaranty Association; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 170(FIN)

"An Act relating to annual audit reports by insurers, to custodians of insurer assets, to writing workers' compensation insurance by surplus lines insurers, to reports by surplus lines insurers, to the definition of 'wet marine and transportation insurance,' to false or misleading financial statements concerning insurance audits, to high deductible health plans, to retaliation for obligations, prohibitions, or restrictions imposed on Alaska insurers by other states or countries, and to the membership of the Alaska Life and Health Insurance Guaranty Association; and providing for an effective date."

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

Do pass (9): Foster, Nelson, Joule, Thomas, Crawford, Stoltze, Kelly, Hawker, Meyer

The following fiscal note(s) apply to CSHB 170(FIN):

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

HB 170 was referred to the Rules Committee for placement on the calendar.

HB 215

The Finance Committee considered:

HOUSE BILL NO. 215

"An Act relating to the establishment of a task force to review the Council on Domestic Violence and Sexual Assault."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 215(HES)
(same title)

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

Do pass (5): Gara, Crawford, Thomas, Hawker, Meyer

No recommendation (1): Kelly

The following fiscal note(s) apply to CSHB 215(HES):

1. Zero, Dept. of Health & Social Services
2. Zero, Dept. of Law
5. Zero, Legislative Agency
6. Fiscal, House Finance Committee/Dept. of Corrections
7. Fiscal, Dept. of Public Safety

HB 215 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 - Sheila Beardsley
By Representative Thomas; Senator Kookesh

Honoring - 2007 Fairbanks Women of Distinction, Samantha Kirstein, Henrine Gray, Ann Shortt, and Niesje Steinkruger
By Representative Kawasaki

Honoring - 2007 Petersburg High School Boys Basketball Team
By Representative Wilson; Senator Stedman

Honoring - 2007 Petersburg High School Cheer Team
By Representative Wilson; Senator Stedman

Honoring - Senator Georgianna Lincoln
By Senator Kookesh; Representative Salmon

Honoring - Huslia Lady Huslers Basketball Team
By Senator Kookesh; Representative Salmon

Honoring - Yakutat Girls Basketball Team
By Senator Kookesh; Representative Thomas

In Memoriam - Shirley A. Demientieff
By Senator Kookesh; Representative Kawasaki

In Memoriam - Sharon Lee Ranney
By Senator Kookesh; Representative Thomas

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 229**

The following was read the second time:

HOUSE BILL NO. 229

"An Act authorizing the Alaska Railroad Corporation to participate in a project consisting of the acquisition, construction, improvement, maintenance, equipping, or operation of real and personal property, including facilities and equipment, for the Kenai gasification project, authorizing the corporation to issue bonds to finance all or a portion of the project, and identifying these as bonds for an essential public and governmental purpose; and providing for an effective date."

with the:

Journal Page

FIN RPT 2DP 4NR 1AM

799

FN1: ZERO(CED)

799

Amendment No. 1 was offered by Representatives Chenault, Stoltze, and Gara:

Page 1, line 4, following "**project**" (title amendment):

Insert "**and Port MacKenzie rail link**"

Page 4, line 14:

Delete "\$2,600,000,000"

Insert "\$2,900,000,000"

Representative Chenault 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 BILL NO. 229 am

"An Act authorizing the Alaska Railroad Corporation to participate in a project consisting of the acquisition, construction, improvement, maintenance, equipping, or operation of real and personal property, including facilities and equipment, for the Kenai gasification project and Port MacKenzie rail link, authorizing the corporation to issue bonds to finance all or a portion of the project, and identifying these as bonds for an essential public and governmental purpose; and providing for an effective date.

Amendment No. 2 was offered by Representative Gara:

Page 4, line 4, following "this Act,":

Insert "and compliance with the requirement of (b) of this section,"

Page 4, following line 23:

Insert a new subsection to read:

"(b) The Alaska Railroad Corporation may not issue bonds under the authorization and approval set out in this section unless the Department of Environmental Conservation certifies that the coal gasification and electrical power generation facility will be designed and operated in a manner that does not release more carbon dioxide into the atmosphere, per megawatt of power produced, than the average carbon dioxide released per megawatt during calendar year 2006 by the Beluga natural gas power plant, located on the western coast of Cook Inlet."

Reletter the following subsections accordingly.

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

Representative Kelly objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

HB 229 am

Second Reading

Amendment No. 2

YEAS: 11 NAYS: 26 EXCUSED: 3 ABSENT: 0

Yeas: Buch, Cissna, Crawford, Doll, Doogan, Gara, Gardner, Gruenberg, Guttenberg, Holmes, Nelson

Nays: Chenault, Coghill, Dahlstrom, Edgmon, Fairclough, Gatto, Harris, Hawker, Johansen, Johnson, Kawasaki, Kelly, Kohring, LeDoux, Lynn, Meyer, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Foster, Joule, Kerttula

And so, Amendment No. 2 was not adopted.

Representative Samuels moved and asked unanimous consent that HB 229 am be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 229 am will advance to third reading on tomorrow's calendar.

SECOND READING OF SENATE BILLS

SB 61

The following was read the second time:

CS FOR SENATE BILL NO. 61(FIN) am
"An Act transferring funds to the public education fund; making supplemental and other appropriations; amending appropriations; and providing for an effective date."

with the:

Journal Page

FIN RPT 4DP 5NR

834

Representative Samuels moved and asked unanimous consent that CSSB 61(FIN) am be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSSB 61(FIN) am will advance to third reading on tomorrow's calendar.

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 - Buckland High School Boys Basketball Team

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

Honoring - Noorvik High School Boys Basketball Team

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

Honoring - Nunamiut Lady Wolves Basketball Team

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

CONCUR IN SENATE AMENDMENTS

HB 95

Representative Samuels moved and asked unanimous consent that the House consider the Senate message (page 867) on the following:

CS FOR HOUSE BILL NO. 95(FIN)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 95(FIN) am S
(same title)

There being no objection, it was so ordered.

Representative Samuels moved that the House concur in the Senate amendment to CSHB 95(FIN), thus adopting SCS CSHB 95(FIN) am S, and recommended that the members vote no.

The question being: "Shall the House concur in the Senate amendment to CSHB 95(FIN)?" The roll was taken with the following result:

SCS CSHB 95(FIN) am S

Concur

YEAS: 0 NAYS: 37 EXCUSED: 3 ABSENT: 0

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

Excused: Foster, Joule, Kerttula

Buch changed from "Yea" to "Nay".

And so, the House failed to concur in the Senate amendment, thus failing to adopt SCS CSHB 95(FIN) am S.

The Chief Clerk notified the Senate and respectfully requested it to recede.

In the event the Senate fails to recede from its amendment, the Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Chenault, Chair
Representative Meyer
Representative Joule

HB 96

Representative Samuels moved and asked unanimous consent that the House consider the Senate message (page 832) on the following:

CS FOR HOUSE BILL NO. 96(FIN)

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 96(FIN)
(same title)

There being no objection, it was so ordered.

Representative Samuels moved that the House concur in the Senate amendment to CSHB 96(FIN), thus adopting SCS CSHB 96(FIN), and recommended that the members vote no.

The question being: "Shall the House concur in the Senate amendment to CSHB 96(FIN)?" The roll was taken with the following result:

SCS CSHB 96(FIN)

Concur

YEAS: 0 NAYS: 37 EXCUSED: 3 ABSENT: 0

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

Excused: Foster, Joule, Kerttula

And so, the House failed to concur in the Senate amendment, thus failing to adopt SCS CSHB 96(FIN).

The Chief Clerk notified the Senate and respectfully requested it to recede.

In the event the Senate fails to recede from its amendment, the Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Chenault, Chair
Representative Meyer
Representative Joule

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 Chenault - from 6:00 p.m., April 23 to evening plane time, April 24

Representative Nelson - from 9:00 a.m., April 24 to evening plane time, April 25

HJR 18

Representatives Fairclough, Thomas, and Nelson added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 18

Opposing the enactment of the provisions in the Next Generation Transportation System Financing Reform Act of 2007 that increase aviation fuel and aviation gas taxes.

HJR 19

Representative Meyer added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 19

Relating to opposition to the Real ID Act of 2005.

HB 65

Representatives Neuman and Olson added their names as cosponsors to:

HOUSE BILL NO. 65

"An Act relating to breaches of security involving personal information, credit report and credit score security freezes, consumer credit monitoring, credit accuracy, protection of social security numbers, care of records, disposal of records, identity theft, furnishing consumer credit header information, credit cards, and debit cards, and to the jurisdiction of the office of administrative hearings; amending Rule 60, Alaska Rules of Civil Procedure; and providing for an effective date."

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 24, 2007. There being no objection, the House adjourned at 11:56 a.m.

Suzi Lowell
Chief Clerk