

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE

Juneau, Alaska

Monday

April 30, 2007

One Hundred Fifth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:26 a.m.

Roll call showed 38 members present. Representatives Foster and Kerttula had been excused from a call of the House today.

The invocation was offered by the Chaplain, Dr. John Zimmerman of Chapel by the Lake Presbyterian Church. Representative Meyer 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.

Gracious and loving God, grant to the members of this house the capacity to complete all of the tasks remaining before them in this session with the care and attention each deserves. May they speak clearly, listen carefully and vote their convictions, always maintaining personal integrity. Protect them from the unintended consequences that often creep into bills passed in the closing days of a legislative session. May they always seek the best solutions for the state of Alaska, solutions that will benefit all of the Alaskans they serve. May righteousness and justice be the hallmarks engraved on their legislation. When the sun sets this evening and responsibilities of the day are finally completed, may each representative rest in the satisfaction of work that is well done. Amen.

The Pledge of Allegiance was led by Representative Edgmon.

CERTIFICATION OF THE JOURNAL

Representative Samuels moved and asked unanimous consent that the journal for the 102nd, 103rd, and 104th legislative days and House Journal Supplement No. 2 and Senate and House Joint Journal Supplement No. 6 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Johnson introduced Megan Parish, Guest Page, from Anchorage.

MESSAGES FROM THE GOVERNOR

HCR 5

A message dated April 27, 2007, was read stating the Governor read the following resolution and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

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

Legislative Resolve No. 5

SB 45

A message dated April 27, 2007, was read stating the Governor 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. 45(JUD)
"An Act relating to murder in the first degree."

Chapter No. 8, SLA 2007
Effective Date: July 26, 2007

MESSAGES FROM THE SENATE**HJR 11**

A message dated April 27, 2007, was read stating the Senate passed:

CS FOR HOUSE JOINT RESOLUTION NO. 11(STA)(title am)
Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states.

CSHJR 11(STA)(title am) was referred to the Chief Clerk for enrollment.

HB 117

A message dated April 27, 2007, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 117(JUD)
"An Act relating to proclamations issued by the governor calling the legislature into special session."

CSHB 117(JUD) was referred to the Chief Clerk for enrollment.

HB 171

A message dated April 27, 2007, was read stating the Senate passed CSHB 171(STA) am with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 171(STA)
"An Act relating to the date and time for convening regular legislative sessions, certain procedures of the legislature, the date for organizing the Legislative Budget and Audit Committee, and deadlines for certain matters or reports to be filed or delivered to the legislature or a legislative committee; prohibiting bonuses for legislative employees; and providing for an effective date."

CSHB 171(STA) am is under Unfinished Business.

REPORTS OF STANDING COMMITTEES**HB 22**

The Judiciary Committee considered:

HOUSE BILL NO. 22

"An Act extending the termination date for the Board of Governors of the Alaska Bar Association; and providing for an effective date."

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

Do pass (3): Gruenberg, Holmes, Ramras

No recommendation (4): Lynn, Coghill, Dahlstrom, Samuels

The following fiscal note(s) apply:

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Office of the Governor

HB 22 was referred to the Finance Committee.

HB 163

The Labor & Commerce Committee submitted the following report to correct the report submitted on April 23, 2007 (page 869) for:

HOUSE BILL NO. 163

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 163(L&C)

"An Act relating to real property foreclosures, to the sale of property on execution, and to deeds of trust."

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

Do pass (1): Ramras

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

The following fiscal note(s) apply to CSHB 163(L&C):

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

HB 163 is in the Judiciary Committee.

HB 164

The Finance Committee considered:

HOUSE BILL NO. 164

"An Act relating to reporting of vessel location by certain commercial passenger vessels operating in the marine waters of the state, to access to vessels by licensed marine engineers for purposes of monitoring compliance with state and federal requirements, and to the obligations of those engineers while aboard the vessels; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 164(FIN)

"An Act relating to reporting of vessel location by certain commercial passenger vessels operating in the marine waters of the state, to access to vessels by a wastewater treatment operator for purposes of monitoring compliance with state and federal marine discharge and pollution requirements, to the obligations of that operator while aboard the vessels, and to the qualifications of the wastewater treatment operator; and providing for an effective date."

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

Do pass (3): Foster, Kelly, Hawker

Do not pass (1): Gara

No recommendation (5): Nelson, Joule, Thomas, Meyer, Chenault

Amend (2): Crawford, Stoltze

The following fiscal note(s) apply to CSHB 164(FIN):

3. Zero, Dept. of Law

4. Fiscal, House Finance Committee/Dept. of Environmental Conservation

HB 164 was referred to the Rules Committee for placement on the calendar.

HB 209

The Labor & Commerce Committee considered:

HOUSE BILL NO. 209

"An Act relating to the chair of and the membership of and qualifications of members of the Regulatory Commission of Alaska; adding positions to the partially exempt service; creating an administrative law division and natural gas and oil pipeline division within the commission; amending the timeline requirements for a final order of the commission; relating to the commission's regulatory cost charges; and adding to the duties of the Alaska Judicial Council as they relate to the presentation of nominees for consideration for appointment to the commission."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 209(L&C)

"An Act relating to the chair of the Regulatory Commission of Alaska; amending the timeline requirements for a final order of the commission; and relating to rules of evidence, discovery, and petitions to intervene in a proceeding of the commission."

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

Do pass (1): Olson

Do not pass (1): Gardner

No recommendation (2): Buch, Ramras

Amend (2): LeDoux, Neuman

The following fiscal note(s) apply to CSHB 209(L&C):

1. Zero, House Labor & Commerce Committee/Dept. of Commerce, Community, & Economic Development
2. Zero, House Labor & Commerce Committee/Alaska Court System
3. Zero, Dept. of Law

HB 209 was referred to the Judiciary Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Dr. Fred Chu

By Representatives Kerttula, Doll; Senator Elton

Honoring - Forrest Lamb, 2007 Alaska State Spelling Bee Winner

By Representative Stoltze

Honoring - Ashley Nicole April

By Representative Cissna

Honoring - Major Michael L. Haller

By Representative Roses

Honoring - 2007 Flint Hills Volunteer Award Recipients Caleb Thompson, Virginia Damron, Deanna Brandon, and Fairbanks Court-Appointed Special Advocates

By Representatives Kawasaki, Coghill

Honoring - Alaska Wildland Firefighters and Firefighting Personnel
By Representative Kawasaki; Senator Thomas

Honoring - Wanda Crowder
By Senator Ellis; Representative Gara

Honoring - Logan Grove
By Senator Green

Honoring - Tok Wolverines Boys Basketball Team
By Senator Kookesh; Representative Salmon

In Memoriam - Frederick C. Lange
By Representatives Kerttula, Doll; Senator Elton

In Memoriam - Barbara Jean Greer
By Senator Bunde

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 244

HOUSE BILL NO. 244 by the House Rules Committee by request of the Joint Armed Services Committee, entitled:

"An Act creating an Alaska Medal of Honor and establishing criteria for awarding the medal."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 90

The following was read the second time:

HOUSE BILL NO. 90
"An Act relating to bail."

with the:

Journal Page

JUD RPT CS(JUD) NT 4DP 1NR	795
FN1: ZERO(COR)	796
FN2: ZERO(LAW)	796
FN3: INDETERMINATE(ADM)	796
FN4: INDETERMINATE(ADM)	796
FN5: INDETERMINATE(COR)	796
FN6: INDETERMIANTE(COR)	796
FIN RPT CS(FIN) NT 6DP 2NR	902
FN2: ZERO(LAW)	903
FN3: INDETERMINATE(ADM)	903
FN4: INDETERMINATE(ADM)	903
FN7: INDETERMINATE(COR)	903

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. 90(FIN)

"An Act relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that CSHB 90(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 90(FIN) will advance to third reading on tomorrow's calendar.

HB 176

The following was read the second time:

HOUSE BILL NO. 176

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

with the:

Journal Page

RES RPT CS(RES) 6DP

727

FN1: (DNR)

727

FIN RPT CS(RES) 7DP 1NR

846

FN1: (DNR)

847

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. 176(RES)

(same title)

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that CSHB 176(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 176(RES) was read the third time.

The question being: "Shall CSHB 176(RES) pass the House?" The roll was taken with the following result:

CSHB 176(RES)

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0

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

Excused: Foster, Kerttula

And so, CSHB 176(RES) passed the House and was referred to the Chief Clerk for engrossment.

HOUSE BILLS IN THIRD READING

HB 159

The following, which was held in third reading from the April 27, 2007, calendar (page 968), was again before the House:

CS FOR HOUSE BILL NO. 159(JUD)

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

The question being: "Shall CSHB 159(JUD) pass the House?" The roll was taken with the following result:

CSHB 159(JUD)

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0

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

Excused: Foster, Kerttula

And so, CSHB 159(JUD) passed the House and was referred to the Chief Clerk for engrossment.

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 - Chris von Imhof

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

Honoring - Hooray Cartoon Sun

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

Honoring - Tanana Wolves Boys Basketball Team

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

In Memoriam - Robert "Bob" Swartz

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

In Memoriam - Aileen Clare Ryan Kirkpatrick

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

In Memoriam - William "Bill" Thomas Taylor

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

UNFINISHED BUSINESS

HCR 6

The Speaker waived the Finance Committee referral for the following at the request of Representative Meyer, Co-chair:

HOUSE CONCURRENT RESOLUTION NO. 6

Relating to civics education and a citizens' advisory task force.

HCR 6 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

HJR 9

The Speaker waived the Finance Committee referral for the following at the request of Representative Meyer, Co-chair:

HOUSE JOINT RESOLUTION NO. 9

Proposing an amendment to the section of the Constitution of the State of Alaska relating to marriage.

HJR 9 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

HB 177

The Resources Committee submitted the following corrected committee substitute to replace the committee substitute received April 26, 2007 (page 931):

CS FOR HOUSE BILL NO. 177(RES)

"An Act relating to the Alaska Gasline Inducement Act; providing inducements for the construction of a natural gas pipeline and shippers that commit to use that pipeline; establishing the Alaska Gasline Inducement Act matching contribution fund; providing for an Alaska Gasline Inducement Act coordinator; making conforming amendments; and providing for an effective date."

CSHB 177(RES) was reprinted today. HB 177 is in the Finance Committee.

HJR 22

Representatives Lynn and Kelly added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 22

Denouncing the National Entertainment Collectibles Association's production of the Rapist No. 1 collectible doll.

HB 87

Representatives Coghill, Fairclough, and Neuman 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 90

Representatives Johnson and Neuman added their names as cosponsors to:

CS FOR HOUSE BILL NO. 90(FIN)

"An Act relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to

distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

ENGROSSMENT

HB 159

CSHB 159(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 176

CSHB 176(RES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 123

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:

HOUSE CS FOR CS FOR SENATE BILL NO. 123(FIN)

"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."

ANNOUNCEMENTS

With appointment of the Conference Committee on the operating budget, Rule 23(d) of the Uniform Rules is in effect as of April 27, 2007.

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., May 1, 2007. There being no objection, the House adjourned at 12:11 p.m.

Suzi Lowell
Chief Clerk