

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE

Juneau, Alaska

Sunday

May 13, 2007

One Hundred Eighteenth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 3:15 p.m.

Roll call showed 35 members present. Representative Meyer was absent. Representatives Chenault, Gara, Kelly, and Thomas were absent and their presence was noted later.

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

With great respect and honor toward all religions and convictions, I offer this prayer on Mother's Day.

Dear Lord, thank you for this day, for the honor of representing our districts and our state. Please let us remember to be compassionate and understanding of one another.

There is no way, Lord, for me to adequately thank you for all of the mothers, for the time that they have spent so selflessly raising us. But, Lord, thank you very personally for letting my mother live and for all of the love that we feel from our parents as we go forward today. In His name I ask this. Amen.

The Pledge of Allegiance was led by Representative Doogan.

CERTIFICATION OF THE JOURNAL

Representative Samuels moved and asked unanimous consent that the journal for the 117th legislative day be approved as certified by the Assistant Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR**HCR 4**

A message dated May 9, 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. 4

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 49, relating to commemorative license plates celebrating Alaska's 50th anniversary as a state.

Legislative Resolve No. 7

HJR 18

A message dated May 11, 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:

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 18(TRA)

Opposing the enactment of the provisions in the Next Generation Air Transportation System Financing Reform Act of 2007 that impose air traffic control user fees, increase aviation fuel and aviation gas taxes, reduce airport funding, and reduce Congressional oversight of the Federal Aviation Administration.

Legislative Resolve No. 8

HB 35

A message dated May 11, 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 BILL NO. 35

"An Act extending the termination date for the Board of Certified Direct-Entry Midwives; and providing for an effective date."

Chapter No. 12, SLA 2007

Effective Date: May 12, 2007

HB 168

A message dated May 11, 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 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."

Chapter No. 11, SLA 2007

Effective Date: May 12, 2007

SB 61

A message dated May 11, 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:

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."

Chapter No. 10, SLA 2007

Effective Date: See Chapter

MESSAGES FROM THE SENATE**HCR 8**

A message dated May 12, 2007, was read stating the Senate passed:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 8(L&C)

Establishing a legislative task force to make recommendations regarding job descriptions and salary changes for the commissioners and support staff and the possible need for additional support staff of the Regulatory Commission of Alaska.

CSHCR 8(L&C) was referred to the Chief Clerk for enrollment.

**The presence of Representative Chenault was noted.

HCR 9

A message dated May 12, 2007, was read stating the Senate passed:

HOUSE CONCURRENT RESOLUTION NO. 9

Congratulating Alaska Airlines on its 75th anniversary.

HCR 9 was referred to the Chief Clerk for enrollment.

HB 110

A message dated May 12, 2007, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 110(L&C)

"An Act amending the powers and duties of the legislative audit division regarding the Regulatory Commission of Alaska; amending annual report requirements for the Regulatory Commission of Alaska; extending the termination date for the Regulatory Commission of Alaska; and providing for an effective date."

CSHB 110(L&C) was referred to the Chief Clerk for enrollment.

HB 132

A message dated May 12, 2007, was read stating the Senate passed:

HOUSE BILL NO. 132

"An Act designating the first Tuesday of May as Alaska Agriculture Day."

HB 132 was referred to the Chief Clerk for enrollment.

HB 133

A message dated May 12, 2007, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 133(FIN)

"An Act relating to requiring electronic monitoring as a special condition of probation and parole for offenders whose offense was related to a criminal street gang."

CSHB 133(FIN) was referred to the Chief Clerk for enrollment.

HB 185

A message dated May 12, 2007, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 185(CRA)

"An Act relating to certain municipal service areas that provide road services."

CSHB 185(CRA) was referred to the Chief Clerk for enrollment.

HB 213

A message dated May 12, 2007, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 213(JUD)

"An Act relating to an aggravating factor at sentencing for crimes committed at, or affecting persons or property at, certain shelters and facilities."

CSHB 213(JUD) was referred to the Chief Clerk for enrollment.

**The presence of Representative Thomas was noted.

A message dated May 12, 2007, was received stating the Senate passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 69

CS FOR SENATE BILL NO. 69(FIN) by the Senate Finance Committee, entitled:

"An Act relating to the creation of a civil legal services fund."

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

**The presence of Representative Gara was noted.

REPORTS OF STANDING COMMITTEES

HB 252

The State Affairs Committee considered:

HOUSE BILL NO. 252

"An Act requiring paid leave from employment for organ and bone marrow donation."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 252(STA)
(same title)

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

Do pass (5): Doll, Gruenberg, Johansen, Roses, Lynn

No recommendation (1): Coghill

The following fiscal note(s) apply to CSHB 252(STA):

1. Zero, Dept. of Administration/All Depts.
2. Zero, Dept. of Commerce, Community, & Economic Development
4. Zero, University of Alaska
5. Zero, Dept. of Labor & Workforce Development

HB 252 was referred to the Rules Committee for placement on the calendar.

SB 116

The Finance Committee considered:

CS FOR SENATE BILL NO. 116(FIN)

"An Act relating to the Uniform Money Services Act, to money transmission services, and to currency exchange services; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 116(FIN)
(same title)

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

Do pass (7): Foster, Thomas, Gara, Crawford, Joule, Hawker, Chenault

No recommendation (2): Kelly, Stoltze

The following fiscal note(s) apply to HCS CSSB 116(FIN):

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

CSSB 116(FIN) was referred to the Rules Committee for placement on the calendar.

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

HB 258

HOUSE BILL NO. 258 by Representative Roses, entitled:

"An Act relating to pawnbrokers; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Judiciary Committees.

HB 259

HOUSE BILL NO. 259 by Representatives Fairclough, Dahlstrom, and Lynn, entitled:

"An Act establishing the first week of every March as Alaska History Week."

was read the first time and referred to the State Affairs Committee.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF SENATE BILLS****SB 53**

The following, which is on today's calendar, is in the Finance Committee:

CS FOR SENATE BILL NO. 53(FIN)

"An Act making and amending appropriations, including capital appropriations, supplemental appropriations, and appropriations to capitalize funds; ratifying certain expenditures; and providing for an effective date."

SB 100

The following was read the second time:

CS FOR SENATE BILL NO. 100(FIN)

"An Act relating to substance abuse and mental health disorder prevention and treatment programs; and relating to long-term secure treatment programs for persons with substance abuse or co-occurring substance abuse and mental health disorders."

with the:

Journal Page

HES RPT HCS(HES) 4DP 1NR
FN3: ZERO(HSS)

1087
1087

Representative Samuels 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. 100(HES)
(same title)

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that HCS CSSB 100(HES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSB 100(HES) was read the third time.

The question being: "Shall HCS CSSB 100(HES) pass the House?"
The roll was taken with the following result:

HCS CSSB 100(HES)

Third Reading

Final Passage

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

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

Absent: Kelly, Meyer

And so, HCS CSSB 100(HES) passed the House and was referred to the Chief Clerk for engrossment.

SB 105

The following was read the second time:

CS FOR SENATE BILL NO. 105(TRA)

"An Act extending, for purposes of a program of debt reimbursement to municipalities, the date by which debt must be incurred for a small boat harbor; and providing for an effective date."

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with the:

Journal Page

FIN RPT 10DP	1208
FN1: ZERO(CED)	1209
FN2: ZERO(TRA)	1209

Representative Samuels moved and asked unanimous consent that CSSB 105(TRA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 105(TRA) was read the third time.

The question being: "Shall CSSB 105(TRA) pass the House?" The roll was taken with the following result:

CSSB 105(TRA)

Third Reading

Final Passage

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

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

Absent: Kelly, Meyer

And so, CSSB 105(TRA) 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 clause. There being no objection, it was so ordered.

CSSB 105(TRA) was signed by the Speaker and Chief Clerk.

SB 139

The following was read the second time:

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 139

"An Act repealing a limitation on the liability of certain airfield owners or operators."

with the:	Journal Page
TRA RPT 5DP	1261
FN1: ZERO(LAW)	1262
FN2: ZERO(ADM)	1262

Representative Samuels moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Samuels was required to vote.

Representative Samuels moved and asked unanimous consent that SSSB 139 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SSSB 139 was read the third time.

The Speaker stated that, without objection, SSSB 139 would be held in third reading to tomorrow's calendar.

SB 145

The following was read the second time:

SENATE BILL NO. 145

"An Act relating to municipal impoundment and forfeiture."

with the:	Journal Page
JUD RPT HCS(JUD) 4DP 2NR	1262
FN1: ZERO(CED)	1263
FN2: ZERO(ADM)	1263
FN3: ZERO(LWF)	1263

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

HOUSE CS FOR SENATE BILL NO. 145(JUD)
(same title)

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that HCS SB 145(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS SB 145(JUD) was read the third time.

The question being: "Shall HCS SB 145(JUD) pass the House?" The roll was taken with the following result:

HCS SB 145(JUD)

Third Reading

Final Passage

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

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

Nays: Coghill

Absent: Joule, Kelly, Meyer

And so, HCS SB 145(JUD) passed the House and was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 22

The Speaker stated that, without objection, the following, which was advanced to third reading from the May 12, 2007, calendar (page 1300), would be moved to the bottom of the calendar:

HOUSE BILL NO. 22 am

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

**The presence of Representative Kelly was noted.

SECOND READING OF SENATE RESOLUTIONS**SJR 6**

The following was read the second time:

CS FOR SENATE JOINT RESOLUTION NO. 6(RES)

Urging the United States Congress to defeat H.R. 39, titled "To preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans."

with the:

Journal Page

RES RPT HCS(RES) 7DP 1AM

1236

FN1: ZERO(S.RES)

1236

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

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO.
6(RES)

(same title)

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that HCS CSSJR 6(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS CSSJR 6(RES) was read the third time.

The question being: "Shall HCS CSSJR 6(RES) pass the House?"
The roll was taken with the following result:

HCS CSSJR 6(RES)

Third Reading

Final Passage

YEAS: 34 NAYS: 4 EXCUSED: 0 ABSENT: 2

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

Nays: Cissna, Doll, Kerttula, Salmon

Absent: Joule, Meyer

And so, HCS CSSJR 6(RES) passed the House.

Representative Crawford gave notice of reconsideration of the vote on HCS CSSJR 6(RES).

THIRD READING OF HOUSE BILLS

(continued)

HB 22

The following, which was moved to the bottom of the calendar (page 1338), was read the third time:

HOUSE BILL NO. 22 am

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

Representatives Kerttula, Gruenberg, LeDoux, Gara, and Holmes moved and asked unanimous consent that they be allowed to abstain from voting because of a conflict of interest. Objection was heard, and the members were required to vote.

Representative Holmes moved and asked unanimous consent that HB 22 am be returned to second reading for the specific purpose of rescinding previous action in adopting Amendment No. 1 (page 1299).

The Speaker stated that, without objection, HB 22 am would be held in third reading 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:

In Memoriam - Lee William Risse

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

RECONSIDERATION

HB 28

Representative Hawker brought up reconsideration of the vote on CSHB 28(FIN) (page 1314).

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 28(FIN)

"An Act requiring retail suppliers of electricity to disclose sources of electricity to consumers."

The question to be reconsidered: "Shall CSHB 28(FIN) pass the House?" The roll was taken with the following result:

CSHB 28(FIN)--RECONSIDERATION

Third Reading

Final Passage

YEAS: 17 NAYS: 21 EXCUSED: 0 ABSENT: 2

Yeas: Chenault, Dahlstrom, Foster, Johansen, Kawasaki, Kelly, Kohring, Lynn, Neuman, Olson, Ramras, Roses, Samuels, Seaton, Stoltze, Thomas, Wilson

Nays: Buch, Cissna, Coghill, Crawford, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johnson, Kerttula, LeDoux, Nelson, Salmon

Absent: Joule, Meyer

And so, CSHB 28(FIN) failed to pass the House.

CSHB 28(FIN)(fld H) was referred to the Chief Clerk for engrossment.

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 8:00 a.m., May 24 to 8:00 p.m., May 29

Representative Kelly - from 6:00 a.m., May 17 to afternoon plane time, May 21

Representative Wilson - from 6:00 a.m., May 18 to evening plane time, May 26

SB 171

The Speaker waived the Judiciary Committee referral for the following at the request of Representative Ramras, Chair:

SENATE BILL NO. 171

"An Act relating to the withdrawal of a candidate from a judicial retention election and the removal of such a candidate's name from the general election ballot; and providing for an effective date."

SB 171 was removed from the Judiciary Committee and referred to the Rules Committee for placement on the calendar.

SPECIAL ORDER OF BUSINESS

SCR 6

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

SENATE CONCURRENT RESOLUTION NO. 6

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Bill No. 109, 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; and relating to blind trusts approved by the Alaska Public Offices Commission.

There being no objection, it was so ordered.

The question being: "Shall SCR 6 pass the House?" The roll was taken with the following result:

SCR 6

Special Order of Business

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

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

Absent: Joule, Meyer

And so, SCR 6 passed the House, was signed by the Speaker and Chief Clerk and returned to the Senate.

UNFINISHED BUSINESS

HB 90

Representative Crawford added his name as cosponsor 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 28

CSHB 28(FIN)(fld H) was engrossed.

SB 100

HCS CSSB 100(HES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 145

HCS SB 145(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted 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 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 14, 2007. There being no objection, the House adjourned at 4:04 p.m.

Tisha Gieser
Assistant Chief Clerk