

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FIFTH LEGISLATURE – SECOND SESSION

Juneau, Alaska

Monday

February 11, 2008

#### Twenty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:02 a.m.

Roll call showed 36 members present. Representative Foster had been excused from a call of the House today. Representatives Chenault and Lynn were excused and their presence was noted later.

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

The invocation was offered by the Chaplain, the Reverend Sue Bahleda of Resurrection Lutheran Church. Representative Dahlstrom moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With respect to the diversity of voices, beliefs, and practices that call out to a power beyond our individual selves, I offer the following prayer:

Almighty and Holy One, bless these men and women before you. Give them hearts for the work that lies before them. Help them to finish the good work here begun. Strengthen their efforts to blot out ignorance and prejudice and to abolish poverty and crime. May they act with purpose to hasten the day when all people, with many voices in one united chorus, live without fear, without cold, without hunger and are joined together in harmony, justice, and peace. Amen.

The Pledge of Allegiance was led by Representative Gruenberg.

### **CERTIFICATION OF THE JOURNAL**

Representative Samuels moved and asked unanimous consent that the journal for the 25<sup>th</sup>, 26<sup>th</sup>, and 27<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 February 8, 2008, was read stating that the Governor withdraws the following name from legislative confirmation of appointment to the position noted. The Speaker had referred the following to the Resources Committee (page 1843):

#### **Board of Game**

Ms. Teresa Sager-Albaugh - Tok

Appointed: 1/28/2008

Term Expires: 3/1/2011

The letter further stated that the Governor submits the following name for legislative confirmation of appointment to the board noted.

The Speaker referred the following to the Resources Committee:

#### **Board of Game**

Mr. Craig Fleener - Fort Yukon

Appointed: 2/8/2008

Term Expires: 3/1/2011

The resume for appointment is on file in the Chief Clerk's office.

### **MESSAGES FROM THE SENATE**

#### **HB 317**

A message dated February 8, 2008, was read stating the Senate passed:

HOUSE BILL NO. 317

"An Act eliminating the limit on compassionate gifts that a legislator or legislative employee may solicit, accept, or receive

under the Legislative Ethics Act; and providing for an effective date."

HB 317 was referred to the Chief Clerk for enrollment.

### **REPORTS OF STANDING COMMITTEES**

#### **HCR 13**

The Health, Education & Social Services Committee considered:

HOUSE CONCURRENT RESOLUTION NO. 13  
Establishing and relating to the Education Funding District Cost  
Factor Commission.

and recommends it be replaced with:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 13(HES)  
(same title)

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

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

Amend (1): Keller

The following fiscal note(s) apply to CSHCR 13(HES):

1. Fiscal, Legislative Agency

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

#### **HB 277**

The State Affairs Committee considered:

HOUSE BILL NO. 277  
"An Act establishing a permanent absentee voting option for  
qualified voters."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 277(STA)

"An Act establishing a permanent absentee voting option for qualified voters; and providing for an effective date."

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

Do pass (2): Doll, Roses

No recommendation (3): Johnson, Johansen, Coghill

The following fiscal note(s) apply to CSHB 277(STA):

1. Zero, Office of the Governor

HB 277 was referred to the Finance Committee.

**HB 307**

The Judiciary Committee considered:

HOUSE BILL NO. 307

"An Act relating to penalizing certain misdemeanor domestic violence offenses as felonies."

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

Do pass (5): Doogan, Dahlstrom, Samuels, Holmes, Ramras

Amend (1): Coghill

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Administration
2. Indeterminate, Dept. of Administration
3. Indeterminate, Dept. of Corrections

HB 307 was referred to the Finance Committee.

**HB 336**

The Resources Committee considered:

## HOUSE BILL NO. 336

"An Act directing the Alaska Energy Authority to conduct a study of and to prepare a proposal for an appropriately sized Susitna River hydroelectric power project; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 336(RES)

(same title)

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

Do pass (3): Seaton, Roses, Johnson

No recommendation (1): Gatto

Amend (5): Guttenberg, Edgmon, Fairclough, Wilson, Kawasaki

The following fiscal note(s) apply to CSHB 336(RES):

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

HB 336 was referred to the Finance Committee.

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 286**

The following was read the second time:

## HOUSE BILL NO. 286

"An Act relating to impersonating a public servant."

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with the:	Journal Page
JUD RPT 3DP 1NR 1AM	1866
FN1: ZERO(ADM)	1866
FN2: ZERO(ADM)	1866

Representative Samuels moved and asked unanimous consent that HB 286 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 286 was read the third time.

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

The question being: "Shall HB 286 pass the House?" The roll was taken with the following result:

HB 286  
Third Reading  
Final Passage

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

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

Excused: Foster, Guttenberg, Lynn

And so, HB 286 passed the House.

Representative Dahlstrom later gave notice of reconsideration of the vote on HB 286, and reconsideration was taken up then.

**HB 296**

The Speaker stated that, without objection, the following would be moved to the bottom of the calendar:

HOUSE BILL NO. 296

"An Act extending the termination date of the Board of Parole; and providing for an effective date."

**HB 315**

The following was read the second time:

HOUSE BILL NO. 315

"An Act extending the termination date of the Big Game Commercial Services Board; and providing for an effective date."

with the:	Journal Page
L&C RPT 6DP 1NR	1848
FN1: (CED)	1849
FIN RPT 3DP 5NR	1880
FN2: (CED)	1880

Representative Samuels moved and asked unanimous consent that HB 315 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 315 was read the third time.

The question being: "Shall HB 315 pass the House?" The roll was taken with the following result:

HB 315

Third Reading

Final Passage

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

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

Excused: Foster, Guttenberg, Lynn

And so, HB 315 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.

HB 315 was referred to the Chief Clerk for engrossment.

### **HB 334**

The following was read the second time:

#### HOUSE BILL NO. 334

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

with the:	Journal Page
HES REFERRAL WAIVED	1768
FIN RPT 8DP	1881
FN1: (DPS)	1881

Representative Samuels moved and asked unanimous consent that HB 334 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 334 was read the third time.

The question being: "Shall HB 334 pass the House?" The roll was taken with the following result:

HB 334

Third Reading

Final Passage

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

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

Excused: Foster, Guttenberg, Lynn

And so, HB 334 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.

Representative Gatto later gave notice of reconsideration of the vote on HB 334, and reconsideration was taken up then.

### **HB 296**

The following, which was moved to the bottom of the calendar (page 1932), was read the second time:

#### HOUSE BILL NO. 296

"An Act extending the termination date of the Board of Parole; and providing for an effective date."

with the:

Journal Page

STA RPT 4DP 2NR	1762
FN1: (COR)	1762
FIN RPT 7DP 2NR	1847
FN2: (HFC/COR)	1847

Amendment No. 1 was offered by Representative Salmon:

Page 1, line 5:

Delete "**2016**"

Insert "**2010**"

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

Representative Hawker objected.

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

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

HB 296  
Second Reading  
Amendment No. 1

**YEAS: 18 NAYS: 20 EXCUSED: 2 ABSENT: 0**

Yeas: Buch, Cissna, Crawford, Doll, Doogan, Edgmon, Gara, Gardner, Gruenberg, Holmes, Joule, Kawasaki, Kerttula, LeDoux, Nelson, Salmon, Stoltze, Thomas

Nays: Chenault, Coghill, Dahlstrom, Fairclough, Gatto, Harris, Hawker, Johansen, Johnson, Keller, Kelly, Lynn, Meyer, Neuman, Olson, Ramras, Roses, Samuels, Seaton, Wilson

Excused: Foster, Guttenberg

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was not offered.

Representative Samuels moved and asked unanimous consent that HB 296 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 296 will advance to third reading on the February 13, 2008, 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 – Captain Jared Wandell

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

Honoring – Grace Christian Grizzlies, 2007 Boys Cross Country State Champions

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

In Memoriam – John "Andy" Anderson

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

### RECONSIDERATION

#### HB 286

Representative Dahlstrom gave notice of reconsideration of the vote on HB 286 (page 1932).

Representative Dahlstrom moved and asked unanimous consent that reconsideration of HB 286 be taken up on the same day. There being no objection, it was so ordered.

The following was again before the House in third reading:

HOUSE BILL NO. 286

"An Act relating to impersonating a public servant."

The question to be reconsidered: "Shall HB 286 pass the House?"

The roll was taken with the following result:

HB 286--RECONSIDERATION

Third Reading

Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2**

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

Excused: Foster, Guttenberg

Absent: Gruenberg, LeDoux

And so, HB 286 passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

**RECEDE**

**SB 59**

Representative Samuels moved and asked unanimous consent that the House consider the Senate message (page 1257) on the following:

HOUSE CS FOR CS FOR SENATE BILL NO. 59(FIN)

"An Act relating to the use of broadcasting to promote dog mushers' contests and charitable raffles and lotteries; to the maximum amount of prizes that may be awarded for charitable gaming activities other than bingo; to the use of the proceeds of charitable gaming; and to establishing cabbage classics as a form of charitable gaming."

(HCR 7(fld H) - title change resolution)

and

CS FOR SENATE BILL NO. 59(FIN)

"An Act relating to the use of broadcasting to promote charitable raffles and lotteries and to establishing cabbage classics as a form of charitable gaming."

There being no objection, it was so ordered.

Representative Samuels moved that the House recede from its amendment to CSSB 59(FIN), namely HCS CSSB 59(FIN), and recommended that the members vote no.

The question being: "Shall the House recede from its amendment to CSSB 59(FIN)?" The roll was taken with the following result:

HCS CSSB 59(FIN)

Recede

**YEAS: 0 NAYS: 36 EXCUSED: 2 ABSENT: 2**

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

Excused: Foster, Guttenberg

Absent: Gruenberg, LeDoux

And so, the House failed to recede.

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 Johansen, Chair

Representative Stoltze

Representative Joule

The Senate members of the committee are Senators Stevens (Chair), Wielechowski, and Wagoner (page 1257).

The Chief Clerk notified the Senate.

### **UNFINISHED BUSINESS**

Representative Samuels moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Harris – from 6:00 p.m., today to evening plane time, February 12

**HCR 13**

The Speaker added a Finance Committee referral for the following:

## HOUSE CONCURRENT RESOLUTION NO. 13

Establishing and relating to the Education Funding District Cost Factor Commission.

HCR 13 was removed from the Rules Committee and referred to the Finance Committee.

**RECONSIDERATION****HB 334**

Representative Gatto gave notice of reconsideration of the vote on HB 334 (page 1934).

Representative Gatto moved and asked unanimous consent that reconsideration of HB 334 be taken up on the same day. There being no objection, it was so ordered.

The following was again before the House in third reading:

## HOUSE BILL NO. 334

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

The question to be reconsidered: "Shall HB 334 pass the House?"  
The roll was taken with the following result:

## HB 334--RECONSIDERATION

Third Reading

Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2**

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

Excused: Foster, Guttenberg

Absent: Gruenberg, LeDoux

And so, HB 334 passed the House on reconsideration.

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.

HB 334 was referred to the Chief Clerk for engrossment.

### UNFINISHED BUSINESS

#### **HB 200**

Representative Fairclough added her 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 282**

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 282

"An Act relating to eligibility for membership on state boards, commissions, and authorities."

#### **HB 286**

Representatives LeDoux, Johnson, Olson, Roses, and Wilson added their names as cosponsors to:

HOUSE BILL NO. 286

"An Act relating to impersonating a public servant."

#### **HB 287**

Representative Guttenberg added his name as cosponsor to:

**HOUSE BILL NO. 287**

"An Act relating to certain investments of the Alaska permanent fund, the state's retirement systems, the State of Alaska Supplemental Annuity Plan, and the deferred compensation program for state employees in companies that do business in Sudan, and restricting those investments."

**HB 307**

Representatives Ramras and Samuels added their names as cosponsors to:

**HOUSE BILL NO. 307**

"An Act relating to penalizing certain misdemeanor domestic violence offenses as felonies."

**HB 334**

Representatives Neuman, Johnson, Nelson, Seaton, Kerttula, LeDoux, Olson, Roses, Gardner, and Wilson added their names as cosponsors to:

**HOUSE BILL NO. 334**

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

**HB 354**

Representative Dahlstrom added her name as cosponsor to:

**HOUSE BILL NO. 354**

"An Act relating to subsidies for a hard-to-place child; relating to criminal sanctions for unlawful disclosure of confidential information pertaining to a child; relating to child support orders in child-in-need-of-aid and delinquency proceedings; and providing for an effective date."

**ENGROSSMENT****HB 286**

HB 286 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 315**

HB 315 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 334**

HB 334 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**ENROLLMENT****HB 151**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:53 a.m., February 11:

**SENATE CS FOR CS FOR HOUSE BILL NO. 151(JUD)**

"An Act requiring an indemnification, defense, and hold harmless provision in construction-related professional services contracts of state agencies, quasi-public agencies, municipalities, and political subdivisions."

**HB 317**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:53 a.m., February 11:

**HOUSE BILL NO. 317**

"An Act eliminating the limit on compassionate gifts that a legislator or legislative employee may solicit, accept, or receive under the Legislative Ethics Act; 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., February 13, 2008. There being no objection, the House adjourned at 12:15 p.m.

Suzi Lowell  
Chief Clerk