

**HOUSE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**TWENTY-FIFTH LEGISLATURE – SECOND SESSION**

**Juneau, Alaska**

**Monday**

**March 3, 2008**

**Forty-ninth Day**

Pursuant to adjournment the House was called to order by Speaker Harris at 11:17 a.m.

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

The invocation was offered by the Chaplain, the Most Reverend Roger Schwietz, O.M.I., Archbishop of the Catholic Archdiocese of Anchorage. Representative Dahlstrom moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

In deepest respect for the religious beliefs of every person, I invite us to a moment of prayer.

Almighty maker of all things, source of wisdom and strength, we thank you for this new day and the opportunity to serve the people of Alaska. Guide our deliberations and decisions. Give us ears that listen and hearts that care. Then at the end of this day, may we give thanks to you for the good that has been accomplished and the work that has been carried out with dignity and honor. Yours be the glory and praise now and forever. Amen.

The Pledge of Allegiance was led by Representative Kelly.

**CERTIFICATION OF THE JOURNAL**

Representative Samuels moved and asked unanimous consent that the journal for the 46<sup>th</sup>, 47<sup>th</sup>, and 48<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 29, 2008, was read stating the Governor withdraws the following name from legislative confirmation of appointment to the position noted. The Speaker had referred the following to the Labor & Commerce Committee (page 1839):

**Board of Barbers and Hairdressers**

Mr. Vern Hurlbert - Anchorage

Appointed: 1/28/2008

Term Expires: 3/1/2012

**HB 37**

A message dated February 28, 2008, 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. 37(efd add)

"An Act establishing the first Saturday of every March as Susan Butcher Day; and providing for an effective date."

Chapter No. 5, SLA 2008

Effective Date: February 29, 2008

**MESSAGES FROM THE SENATE****HCR 21**

A message dated February 29, 2008, was read stating the Senate passed:

HOUSE CONCURRENT RESOLUTION NO. 21

Supporting the National Crime Victims' Rights Week of 2008.

HCR 21 was referred to the Chief Clerk for enrollment.

**SB 59**

A message dated February 29, 2008, was read stating the Senate adopted the Conference Committee report on HCS CSSB 59(FIN) and CSSB 59(FIN), thus adopting:

## CONFERENCE CS FOR SENATE BILL NO. 59

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

A message dated February 29, 2008, was read stating the Senate passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 241**

CS FOR SENATE BILL NO. 241(SED) by the Senate Special Committee on Education, entitled:

"An Act relating to a report to the legislature on teacher preparation, retention, and recruitment by the Board of Regents of the University of Alaska; and providing for an effective date."

was read the first time and referred to the Health, Education & Social Services and Finance Committees.

**REPORTS OF STANDING COMMITTEES****EO 114**

The Resources Committee considered the following and recommends approval:

## EXECUTIVE ORDER NO. 114

Transferring back certain functions relating to the protection of fish habitat in rivers, lakes, and streams of the state, and related functions regarding fish and game protection, from the deputy

commissioner of the Department of Natural Resources to the Department of Fish and Game and making other related transfers of functions from the Department of Natural Resources to the Department of Fish and Game.

The report was signed by Representatives Gatto and Johnson, Co-chairs; and Representatives Fairclough, Seaton, Wilson, Edgmon, Guttenberg, and Kawasaki.

**HB 54**

The State Affairs Committee considered:

**HOUSE BILL NO. 54**

"An Act relating to construction of a legislative hall; and repealing provisions relating to relocating the capital, the legislature, or any of the present functions of state government."

and recommends it be replaced with:

**CS FOR HOUSE BILL NO. 54(STA)**

"An Act relating to construction of a legislative hall or renovation of an existing building for use as a legislative hall; and repealing provisions relating to relocating the capital, the legislature, or any of the present functions of state government."

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

Do pass (3): Johnson, Roses, Lynn

Do not pass (2): Gruenberg, Doll

No recommendation (1): Coghill

The following fiscal note(s) apply to CSHB 54(STA):

1. Zero, Dept. of Administration
2. Indeterminate, Office of the Governor/All Depts.
3. Fiscal, Legislative Agency

HB 54 was referred to the Finance Committee.

**HB 147**

The Rules Committee considered:

## HOUSE BILL NO. 147

"An Act relating to matching funds in state tourism marketing contracts with trade associations."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 147(RLS)

"An Act relating to matching funds and state money for state tourism marketing contracts with trade associations; and providing for an effective date."

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

Do pass (5): Kerttula, Johnson, Fairclough, Harris, Coghill

No recommendation (1): Samuels

The following fiscal note(s) apply to CSHB 147(RLS):

3. Fiscal, House Rules Committee/Dept. of Commerce, Community, & Economic Development

HB 147 was returned to the Rules Committee for placement on the calendar.

**HB 364**

The Judiciary Committee considered:

## HOUSE BILL NO. 364

"An Act relating to notice and consent for a minor's abortion; relating to penalties for performing an abortion; relating to a judicial bypass procedure for an abortion; relating to coercion of a minor to have an abortion; relating to reporting of abortions performed on minors; amending Rule 24(a), Alaska Rules of Civil

Procedure, amending Rule 220, Alaska Rules of Appellate Procedure, and Rule 20, Alaska Probate Rules, relating to judicial bypass for an abortion; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 364(JUD)

"An Act relating to notice and consent for a minor's abortion; relating to penalties for performing an abortion; relating to a judicial bypass procedure for an abortion; relating to coercion of a minor to have an abortion; relating to reporting of abortions performed on minors; amending Rule 220, Alaska Rules of Appellate Procedure, and Rule 20, Alaska Probate Rules, relating to judicial bypass for an abortion; and providing for an effective date."

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

Do pass (4): Lynn, Coghill, Dahlstrom, Ramras

Do not pass (2): Gruenberg, Holmes

Amend (1): Samuels

The following fiscal note(s) apply to CSHB 364(JUD):

1. Indeterminate, Dept. of Health & Social Services

HB 364 was referred to the Finance Committee.

### **HB 370**

The Resources Committee considered:

HOUSE BILL NO. 370

"An Act relating to forested land management and protection from wildland fire and other destructive agents; changing the term 'forest fire' to 'wildland fire' where it appears in the Alaska Statutes; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 370(RES)  
(same title)

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

Do pass (5): Wilson, Guttenberg, Edgmon, Fairclough, Seaton

No recommendation (1): Johnson

Amend (2): Kawasaki, Gatto

The following fiscal note(s) apply to CSHB 370(RES):

1. Zero, Dept. of Law
2. Zero, Dept. of Natural Resources

HB 370 was referred to the Rules Committee for placement on the calendar.

#### **REPORTS OF SPECIAL COMMITTEES**

##### **SB 59**

The Conference Committee considering HCS CSSB 59(FIN) and CSSB 59(FIN) recommends the following be adopted:

##### CONFERENCE CS FOR SENATE BILL NO. 59

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

The report was signed by Representatives Stoltze, Joule; and Senators Stevens (Chair), Wielechowski, Wagoner.

The following fiscal note(s) apply to CCS SB 59:

3. Indeterminate, Dept. of Revenue

The report is under Unfinished Business.

### **INTRODUCTION OF CITATIONS**

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

Honoring – Petersburg Emergency Medical Technicians  
By Representative Wilson

### **INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS**

#### **HR 7**

HOUSE RESOLUTION NO. 7 by the House Rules Committee by request of the Legislative Budget and Audit Committee:

Urging the United States Congress to support, work to pass, and vote for the immediate and permanent repeal of the federal estate tax.

was read the first time and referred to the Rules Committee for placement on the calendar.

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

#### **HB 417**

HOUSE BILL NO. 417 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the compensation for certain public officials, officers, and employees not covered by collective bargaining agreements; relating to pay increments for longevity in state service; and providing for an effective date."

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



The following fiscal note(s) apply:

1. Fiscal, Dept. of Administration/All Depts.

The Governor's transmittal letter dated February 29, 2008, follows:

"Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would amend the salary schedule set out in AS 39.27.011(a) to reflect the increase tentatively agreed to by the supervisory unit of state employees. The salary schedule would provide for a 5.5% increase in FY08, 3% in FY09 and 3% in FY10. Provisions that are not in codified sections of the statute authorize the same pay increments for employees and officials of the Alaska Court System, the University of Alaska, and certain independent state agencies.

I tasked an Executive Working Group under Administrative Order No. 237 with identifying recruitment and retention issues. Several legislators have expressed concern about whether the state is losing ground to other employers. This legislation would implement a portion of the recommendations of the Working Group. The full report is available on the Department of Administration website. With almost a quarter of the entire state workforce eligible to retire within five years, it is a priority of mine to recruit and retain qualified, professional staff.

The bill would also change the practice with respect to longevity pay steps for non-covered employees. The current law provides for 3.75 percent increases at two, four, nine, and 13 years after reaching F step on the salary schedule, and requires an employee to have seven years continuous service before the employee is eligible for longevity pay. This restriction will help the state attract and retain highly qualified employees. This legislation would repeal the longevity pay step statute, and provide in AS 39.27.011 for pay increments to employees at two year intervals after they attain the F step in their range. The requirement of seven years of continuous service would be eliminated. Legislative and Judicial branch employees who are not magistrates and judicial officers, and exempt officers and employees who are not

covered by collective bargaining agreements may receive these increments if the agencies employing those persons adopt compensation policies that include those persons.

In addition, the bill would raise the pay range assigned to the members of the Commercial Fisheries Entry Commission (CFEC) and certain members of the Regulatory Commission of Alaska (RCA) from range 26 to range 27, and would raise the pay range of the chief procurement officer from range 24 to range 27. Statutory references to specific salary steps within pay ranges would be removed for deputy heads of principal departments, and CFEC and RCA members.

The bill would also provide for a July 1, 2008 effective date so that the 2008 salary increases are aligned with the new fiscal year for budgetary reasons, except that retroactive provisions of the bill would go into effect immediately.

These changes are consistent with the goal of this administration to improve recruitment and retention of state employees, and the result of the Administrative Order 237 Working Group.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Sarah Palin  
Governor"

## **CONSIDERATION OF THE DAILY CALENDAR**

### **SECOND READING OF HOUSE BILLS**

#### **HB 310**

The following was read the second time:

#### **HOUSE BILL NO. 310**

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making supplemental appropriations; and

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making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date."

with the:

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FIN RPT CS(FIN) NT 5DP 4NR 1AM

2120

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. 310(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."

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that CSHB 310(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 310(FIN) will advance to third reading on tomorrow's calendar.

**HB 312**

The following was read the second time:

HOUSE BILL NO. 312

"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."

with the:

Journal Page

FIN RPT CS(FIN) 5DP 3NR 1AM

2121

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. 312(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that CSHB 312(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 312(FIN) will advance to third reading on tomorrow's calendar.

### **HB 320**

The following, which was held from the February 29, 2008, calendar (page 2126), was read the second time:

#### **HOUSE BILL NO. 320**

"An Act relating to certification of search and rescue personnel and organizations; requiring certain search and rescue personnel to be considered state employees for purposes of workers' compensation coverage; and allowing municipalities to elect to provide workers' compensation insurance coverage for search and rescue personnel."

with the:

Journal Page

L&C RPT CS(L&C) NT 5DP 1NR	1903
FN1: ZERO(LWF)	1904
FN2: INDETERMINATE(ADM)	1904
FN3: (DPS)	1904
FIN RPT CS(FIN) NT 4DP 2NR 1AM	1998
FN1: ZERO(LWF)	1999
FN2: INDETERMINATE(ADM)	1999
FN4: ZERO(H.FIN/DPS)	1999

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. 320(FIN)

"An Act relating to search and rescue training and search and rescue parties; requiring certain search and rescue volunteers to be considered state employees for purposes of workers' compensation coverage; and allowing political subdivisions to elect to provide workers' compensation insurance coverage for search and rescue personnel."

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that CSHB 320(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 320(FIN) was read the third time.

The question being: "Shall CSHB 320(FIN) pass the House?" The roll was taken with the following result:

CSHB 320(FIN)

Third Reading

Final Passage

**YEAS: 31 NAYS: 7 EXCUSED: 2 ABSENT: 0**

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

Nays: Cissna, Gruenberg, Keller, Kelly, LeDoux, Samuels, Stoltze

Excused: Foster, Gara

And so, CSHB 320(FIN) passed the House.

Representative Kerttula gave notice of reconsideration of the vote on CSHB 320(FIN).

**THIRD READING OF HOUSE BILLS****HB 267**

The following, which was advanced to third reading from the February 29, 2008, calendar (page 2126), was read the third time:

**CS FOR HOUSE BILL NO. 267(RES)**

"An Act relating to authorizing the state to join with other states entering into the Wildlife Violator Compact; excluding commercial fishing and big game commercial hunting services from the provisions of the compact; and directing the initiation of civil actions to revoke appropriate licenses in this state based on a licensee's violation of or failure to comply with the terms of a wildlife resource citation issued in another state that is a party to the compact."

The question being: "Shall CSHB 267(RES) pass the House?" The roll was taken with the following result:

**CSHB 267(RES)**

Third Reading

Final Passage

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

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

Excused: Foster, Gara

And so, CSHB 267(RES) passed the House and was referred to the Chief Clerk for engrossment.

**SECOND READING OF HOUSE RESOLUTIONS****HJR 14**

The following was read the second time:

## HOUSE JOINT RESOLUTION NO. 14

Urging the United States Congress to enact Senate Bill 552 so that individuals receiving a damage award from the Exxon Valdez oil spill can benefit from the income averaging and retirement contribution provisions of the bill.

with the:

Journal Page

FSH RPT CS(FSH) NT 7DP	502
FN1: ZERO(H.FSH)	503
RES REFERRAL WAIVED	678
RLS RPT CS(RLS) NT 7DP	2116
FN2: ZERO(H.RLS)	2117

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

## CS FOR HOUSE JOINT RESOLUTION NO. 14(RLS)

Urging the United States Congress to enact H.R. 2419, sec. 12801, so that individuals receiving a damage award from the Exxon Valdez oil spill can benefit from the income averaging and retirement contribution provisions of the bill.

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that CSHJR 14(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 14(RLS) was read the third time.

The question being: "Shall CSHJR 14(RLS) pass the House?" The roll was taken with the following result:

CSHJR 14(RLS)

Third Reading

Final Passage

**YEAS: 35 NAYS: 0 EXCUSED: 2 ABSENT: 3**

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

Excused: Foster, Gara

Absent: Crawford, Guttenberg, Nelson

And so, CSHJR 14(RLS) passed the House and 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 Coghill – from 6:00 a.m., March 5 to evening plane time, March 9

Representative Crawford – from 6:00 a.m., March 5 to evening plane time, March 9

Representative Fairclough – from 5:00 a.m., March 5 to evening plane time, March 9

Representative Gardner – from 5:00 a.m., March 5 to evening plane time, March 9

Representative Gatto – from 5:00 a.m., March 5 to evening plane time, March 9

Representative Olson – from 8:00 a.m., March 5 to morning plane time, March 9

### **SB 255**

The Speaker waived the Labor & Commerce Committee referral for the following at the request of Representative Olson, Chair:



**SENATE BILL NO. 255**

"An Act relating to refunding of certain outstanding bonds issued by the Alaska Industrial Development and Export Authority concerning the Snettisham hydroelectric project and related assets; and providing for an effective date."

SB 255 was removed from the Labor & Commerce Committee and referred to the Finance Committee.

**HB 379**

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

**HOUSE BILL NO. 379**

"An Act relating to educational requirements for licensure as a certified public accountant."

HB 379 was removed from the Finance Committee and referred to the Rules Committee for placement on the calendar.

**HB 267**

Representatives Lynn and Gardner added their names as cosponsors to:

**CS FOR HOUSE BILL NO. 267(RES)**

"An Act relating to authorizing the state to join with other states entering into the Wildlife Violator Compact; excluding commercial fishing and big game commercial hunting services from the provisions of the compact; and directing the initiation of civil actions to revoke appropriate licenses in this state based on a licensee's violation of or failure to comply with the terms of a wildlife resource citation issued in another state that is a party to the compact."

**HB 319**

Representative Buch added his name as cosponsor to:

**HOUSE BILL NO. 319**

"An Act relating to the practice of dentistry and to dental assistants."

**HB 320**

Representatives Lynn, Guttenberg, and Roses added their names as cosponsors to:

CS FOR HOUSE BILL NO. 320(FIN)

"An Act relating to search and rescue training and search and rescue parties; requiring certain search and rescue volunteers to be considered state employees for purposes of workers' compensation coverage; and allowing political subdivisions to elect to provide workers' compensation insurance coverage for search and rescue personnel."

**HB 353**

Representative Gatto added his name as cosponsor to:

HOUSE BILL NO. 353

"An Act relating to the blocking of certain Internet sites at public libraries and to library assistance grants."

**ENGROSSMENT****HJR 14**

CSHJR 14(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 267**

CShB 267(RES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**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., March 4, 2008. There being no objection, the House adjourned at 12:38 p.m.

Suzi Lowell  
Chief Clerk