

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Friday

February 27, 2009

Thirty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:03 a.m.

Roll call showed 30 members present. Representatives Dahlstrom, Gardner, Gatto, Herron, Keller, Millett, Neuman, Olson, and Ramras had been excused from a call of the House today.

Representative Johansen moved and asked unanimous consent that Representative Tuck be excused from a call of the House today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, the Reverend Doctor Douglas Dye of Chapel by the Lake Community Presbyterian Church. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

I offer this prayer for your blessing and the benefit of the citizens of our state.

Dear God, my Heavenly Father: In the Hebrew Scriptures you remind us that "this is the day that the Lord has made" and that we are to "rejoice and be glad in it."

So I give you thanks for this new day and the many blessings you give to us. Thank you for the work you have called us to. Thank you for the strength of body and mind to perform our vocations. Thank you for the beauty of your creation and the

way you renew us through it. Thank you for sustaining us with abundant amounts of food and shelter and keep us mindful of those in our world who live in desperate poverty and want.

You also tell us, O God, what you require of us, which is to do justice, love kindness, and walk humbly with God. And so I pray that you will enable these women and men to live and govern according to these aims: justice, kindness, and living humbly before you.

We recognize, O God, that in the rough and tumble world of politics, solutions are not always clear and compromise is demanded. So I pray that you will grant them grace, forbearance, understanding, and an authentic hunger to do justice and love kindness.

And give to them joy in their work that they may see good things happen as they serve the people of Alaska and their districts. Bless these legislators, O God, with energy, good health, and wisdom. Enable them to work together for the common good so that Alaska will be a place where its citizens experience justice, act kindly, and walk humbly with you.

I pray all of this in the name of the one who draws us to you, O God, Jesus Christ my Lord. Amen.

The Pledge of Allegiance was led by Representative Gruenberg.

CERTIFICATION OF THE JOURNAL

Representative Johansen moved and asked unanimous consent that the journal for the 37th and 38th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated February 25, 2009, was read stating the Senate passed the following, and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SCR 1**

SENATE CONCURRENT RESOLUTION NO. 1 by Senator McGuire:

Relating to establishing March 2009 as Brain Injury Awareness Month.

was read the first time and referred to the Health & Social Services Committee.

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 72**

CS FOR SENATE BILL NO. 72(STA) by the Senate State Affairs Committee, entitled:

"An Act relating to use of child safety seats and seat belts."

was read the first time and referred to the Transportation, State Affairs, and Finance Committees.

REPORTS OF STANDING COMMITTEES**HJR 15**

The Community & Regional Affairs Committee considered:

HOUSE JOINT RESOLUTION NO. 15

Urging the United States Congress to change the name of Mount McKinley to Denali.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 15(CRA)
(same title)

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

Do pass (7): Keller, Cissna, Millett, Harris, Gardner, Herron, Munoz

The following fiscal note(s) apply to CSHJR 15(CRA):

1. Zero, House Community & Regional Affairs Committee

HJR 15 was referred to the Resources Committee.

HB 10

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 10

"An Act authorizing a borough to charge a city for costs of collecting certain taxes; relating to a mandatory exemption from municipal property taxes for residences of certain widows or widowers, and to optional exemptions from municipal property taxes for property of certain fraternal organizations, for certain college property, and for certain residential property; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 10(CRA)
(same title)

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

Do pass (2): Cissna, Harris

No recommendation (4): Millett, Keller, Herron, Munoz

The following fiscal note(s) apply to CSHB 10(CRA):

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

HB 10 was referred to the Finance Committee.

HB 14

The State Affairs Committee considered:

HOUSE BILL NO. 14

"An Act designating the Alaskan malamute as the official state dog."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 14(STA)
(same title)

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

Do pass (4): Seaton, Gruenberg, Wilson, Petersen

No recommendation (2): Johnson, Lynn

Amend (1): Gatto

The following fiscal note(s) apply to CSHB 14(STA):

1. Zero, Office of the Governor/All Depts.

HB 14 was referred to the Rules Committee for placement on the calendar.

HB 63

The Finance Committee considered:

HOUSE BILL NO. 63

"An Act relating to the Council on Domestic Violence and Sexual Assault."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 63(FIN)
(same title)

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

Do pass (9): Thomas, Gara, Crawford, Joule, Austerman, Kelly, Fairclough, Salmon, Stoltze

The following fiscal note(s) apply to CSHB 63(FIN):

1. Zero, Dept. of Corrections
2. Fiscal, Dept. of Public Safety
3. Zero, Dept. of Health & Social Services

HB 63 was referred to the Rules Committee for placement on the calendar.

HB 106

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 106

"An Act relating to village public safety officers and regional public safety officers."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 106(CRA)

"An Act relating to municipalities and to village public safety officers."

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

Do pass (6): Cissna, Harris, Gardner, Millett, Herron, Munoz

No recommendation (1): Keller

The following fiscal note(s) apply to CSHB 106(CRA):

1. Zero, Dept. of Public Safety

HB 106 was referred to the State Affairs Committee.

HB 109

The Finance Committee considered:

HOUSE BILL NO. 109

"An Act relating to eligibility for the Alaska supplemental education loan program and to the interest rate for a loan made under the Alaska family education loan program; and providing for an effective date."

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

Do pass (7): Joule, Foster, Austerman, Kelly, Fairclough, Hawker, Stoltze

No recommendation (3): Gara, Crawford, Salmon

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

HB 109 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES**HB 43**

The House Special Committee on Fisheries considered:

HOUSE BILL NO. 43

"An Act relating to aquatic farm permitting involving geoducks and to geoduck seed transfers between certified hatcheries and aquatic farms."

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

No recommendation (6): Millett, Johnson, Keller, Buch, Munoz, Edgmon

Amend (1): Kawasaki

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

HB 43 was referred to the Resources Committee.

INTRODUCTION OF CITATIONS

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

Honoring - AWARE Women of Distinction
By Representatives Kerttula, Munoz; Senator Elton

Honoring - Senior Airman James Derrickson Jr., 354th Security Forces Squadron, Eielson AFB Airman of the Year
By Senator Therriault; Representative Harris

Honoring - Debra Mettelle, 354th Force Support Squadron, Eielson AFB Civilian Program Manager of the Year
By Senator Therriault; Representative Harris

Honoring - Staff Sergeant Robert Hammack, 354th Medical Group, Eielson AFB Honor Guardsman of the Year
By Senator Therriault; Representative Harris

Honoring - Captain Oscar Olipane, 354th Medical Systems Squadron, Eielson AFB Flight Commander of the Year
By Senator Therriault; Representative Harris

Honoring - Master Sergeant Brian Fairchild, 354th Medical Operations Squadron, Eielson AFB Senior NCO of the Year
By Senator Therriault; Representative Harris

Honoring - Technical Sergeant Heath Tempel, 354th Civil Engineer Squadron, Eielson AFB NCO of the Year
By Senator Therriault; Representative Harris

Honoring - First Sergeant Michelle Vanderbunt, 354th Force Support Squadron, Eielson AFB First Sergeant of the Year
By Senator Therriault; Representative Harris

Honoring - Jimmie Denton, 354th Civil Engineer Squadron, Eielson AFB Civilian Supervisor of the Year
By Senator Therriault; Representative Harris

Honoring - Patricia Ward, 354th Force Support Squadron, Eielson AFB Civilian Technician of the Year
By Senator Therriault; Representative Harris

Honoring - Shirl Hafner, 353rd Combat Training Squadron, Eielson AFB Civilian Specialist of the Year
By Senator Therriault; Representative Harris

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 10

HOUSE CONCURRENT RESOLUTION NO. 10 by Representatives Hawker, Stoltze, Lynn, and Coghill:

Urging the Governor to file an action to restrain the United States Department of the Interior, National Park Service, from intruding on the sovereign right of the state to exercise jurisdiction over navigable water and submerged land and urging the Governor to allocate sufficient resources to the Department of Law, the Department of Natural Resources, and the Department of Fish and Game to defend the state's right to manage the public use of its navigable water.

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

HJR 21

HOUSE JOINT RESOLUTION NO. 21 by Representatives Austerman, Thomas, Ramras, Munoz, Millett, Edgmon, Seaton, Wilson, and Harris:

Requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program license holder to participate in the Pacific cod fisheries in the Gulf of Alaska.

was read the first time and referred to the House Special Committee on Fisheries and the Resources Committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 157

HOUSE BILL NO. 157 by the House Rules Committee by request of the Governor, entitled:

"An Act amending the State Personnel Act to place in the exempt service the chief economist and state comptroller in the Department of Revenue and certain professional positions concerning oil and gas within the Department of Natural Resources; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees by providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001 and sec. 19, ch. 50, SLA 2005; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Natural Resources
3. Zero, Dept. of Revenue

The Governor's transmittal letter dated February 25, 2009, follows:

"Dear Speaker Chenault:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill amending the State Personnel Act to place in the exempt service the chief economist and state

comptroller in the Department of Revenue and certain professional positions concerning oil and gas within the Department of Natural Resources; and relating to the re-employment of retired state employees.

Employment of experienced professional staff with knowledge of the oil and gas industry, world markets and science and engineering specific to the oil and gas business is vital to the State's interest. The State must have the ability to make informed decisions on issues that will have a profound impact on its economic future. The division of oil and gas and the division of geological and geophysical survey of the Department of Natural Resources (DNR) are responsible for assessing the state's mineral resources, overseeing the assessment and collection of a large portion of the state's revenues related to oil and gas development, as well as management of the state's oil and gas resources. DNR, through these divisions, must maintain an experienced professional staff as well as recruit new staff. To do so, DNR must be able to offer salaries at least somewhat competitive with Alaska's oil and gas industry. Failure to do so could lead to substantial future losses in oil and gas revenues.

Additionally, the Department of Revenue has had difficulties recruiting and retaining qualified candidates for the high-level chief economist and state comptroller positions at the current salary levels. By way of specific example, the state comptroller position has been filled by four comptrollers in the previous four years, largely because of the non-competitive salary schedule. The Department of Revenue has also experienced substantial difficulty recruiting qualified candidates for the chief economist due to salary constraints.

Finally, the bill would extend the sunset clause applicable to the retired employee rehire program from July 1, 2009 to July 1, 2013. One substantive effect of this change is to allow those retired employees who participate in either the Public Employees' Retirement System of Alaska (PERS) or the Teachers' Retirement System of Alaska (TRS), who have returned to active employment and who elected to have their retirement benefits continue during the time that they are re-employed, to continue to receive their retirement benefits. Extending the sunset date would also allow the rehire program to be available to other retired state employees. As the program presently

exists, a rehired retiree must within 30 days of re-employment elect to continue receiving retirement benefit payments during re-employment.

Extending the repeal date would have a positive effect in helping reduce employee shortages experienced by both PERS and TRS employers. The program has proven to be an attractive option for retired employees who are considering whether to return to active employment and significantly helps the State of Alaska in filling workforce gaps. Also, extending the sunset date by four years provides the state with additional time necessary to analyze the employee shortages in the various employment sectors and to continue to develop plans to meet anticipated shortages due to the large number of employees slated for retirement in the next several years.

The legislative history of this retiree rehire election program indicates that there has already been several extensions of the retiree rehire program. The 2001 amendments provided for the repeal of the election provision on July 1, 2005. During the 2005 legislative session, the statutes were amended to extend the election provisions to July 1, 2009. To further extend the repeal dates for both PERS and TRS members would allow those retired employees to assist the state by returning to active employment and to elect to have their retirement benefits continue during re-employment.

I urge your prompt and favorable action on this bill.

Sincerely,

/s/

Sarah Palin
Governor"

HB 158

HOUSE BILL NO. 158 by the House Rules Committee, entitled:

"An Act disapproving all recommendations of the State Officers Compensation Commission relating to the compensation, benefits, and allowances of state officers; and providing for an effective date."

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

HB 159

HOUSE BILL NO. 159 by Representative Kawasaki, entitled:

"An Act delaying the date by which a bill disapproving all the recommendations of the State Officers Compensation Commission must be enacted into law to prevent the commission's recommendations from becoming effective even if all recommendations are fully funded by appropriation and delaying the effective dates of the recommendations; and providing for an effective date."

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

HB 160

HOUSE BILL NO. 160 by Representatives Petersen, Gara, Crawford, Kawasaki, and Gruenberg, entitled:

"An Act increasing the base student allocation for public schools; and providing for an effective date."

was read the first time and referred to the Education and Finance Committees.

HB 161

HOUSE BILL NO. 161 by Representatives Munoz and Thomas, entitled:

"An Act relating to the Alaska Mental Health Trust Authority Support Office Building; authorizing the issuance of certificates of participation for construction of the building and authorizing the use of up to \$25,000,000 from the mental health trust fund for construction of the building; approving leases of all or part of the building by the Department of Administration; and providing for an effective date."

was read the first time and referred to the Community & Regional Affairs and Finance Committees.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 49**

The following was read the second time:

HOUSE BILL NO. 49

"An Act relating to the prohibition of the exercise of the power of eminent domain against a recreational structure for the purposes of developing a recreational facility or project."

with the:	Journal Page
JUD RPT CS(JUD) 6DP	222
FN1: ZERO(DOT)	222

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

CS FOR HOUSE BILL NO. 49(JUD)
(same title)

There being no objection, it was so ordered.

Representative Johansen moved and asked unanimous consent that CSHB 49(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Kerttula objected.

CSHB 49(JUD) will advance to third reading on the March 2, 2009, calendar.

LEGISLATIVE CITATIONS

Representative Johansen 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 - Women's History Month, *Women Taking the Lead to Save Our Planet*

By Senator Davis; Representatives Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson

In Memoriam - Vivian Stoddard Laurie

By Senators Ellis, Davis; Representatives Chenault, Buch, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Thomas, Tuck, Wilson

In Memoriam - Martha Martin Roderick

By Senator Davis; Representatives Holmes, Chenault, Buch, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson

In Memoriam - Marcelle Gloria Phillips

By Senator Davis; Representatives Chenault, Buch, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson

In Memoriam - George Ray Poullard

By Senator Davis; Representatives Chenault, Buch, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson

In Memoriam - Joseph H. Laird

By Senator Davis; Representatives Chenault, Buch, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson

UNFINISHED BUSINESS

Representative Johansen 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 Thomas – from 6:30 a.m., February 28 to 7:30 p.m., March 1

Representative Joule – from 8:00 a.m., March 2 to 9:30 p.m., March 5

HR 9

Representative Gatto added his name as cosponsor to:

HOUSE RESOLUTION NO. 9

Relating to sovereign powers of the state.

HB 13

Representative Dahlstrom removed her name as cosponsor to:

HOUSE BILL NO. 13

"An Act relating to property crimes."

HB 35

Representatives Millett, Kelly, Harris, Lynn, Wilson, Ramras, and Gatto added their names as cosponsors to:

HOUSE BILL NO. 35

"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."

HB 44

Representative Munoz added her name as cosponsor to:

HOUSE BILL NO. 44

"An Act relating to investments applicable to energy; authorizing the Alaska Permanent Fund Corporation to make in-state energy project investments; and authorizing certain public corporations to issue bonds for energy projects."

HB 49

Representative Hawker added his name as cosponsor to:

CS FOR HOUSE BILL NO. 49(JUD)

"An Act relating to the prohibition of the exercise of the power of eminent domain against a recreational structure for the purposes of developing a recreational facility or project."

HB 63

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 63

"An Act relating to the Council on Domestic Violence and Sexual Assault."

SCR 1

Representative Kerttula added her name as cross sponsor to:

SENATE CONCURRENT RESOLUTION NO. 1

Relating to establishing March 2009 as Brain Injury Awareness Month.

HCR 7

The following, which was engrossed and signed by the Speaker and Chief Clerk (page 338), was transmitted to the Senate for consideration:

HOUSE CONCURRENT RESOLUTION NO. 7 am
Relating to awarding the Alaska Decoration of Honor to certain members of the military.

ENGROSSMENT AND ENROLLMENT

HR 8

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:00 a.m., February 26, 2009:

HOUSE RESOLUTION NO. 8

Opposing a rule proposed by the Transportation Security Administration that would require certain security measures under a Large Aircraft Security Program for general aviation and commercial aircraft with a gross take-off weight of 12,500 pounds or more.

House Resolve No. 5

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Johansen moved and asked unanimous consent that the House adjourn until 11:00 a.m., March 2, 2009. There being no objection, the House adjourned at 11:29 a.m.

Suzi Lowell
Chief Clerk