

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SIXTH LEGISLATURE
FIRST SPECIAL SESSION

Anchorage, Alaska

Monday

August 10, 2009

First Day

Pursuant to a poll of the legislature resulting in an affirmative vote of more than two-thirds of the membership calling themselves into special session, the House was called to order by Speaker Chenault at 9:03 a.m. at the William A. Egan Center in Anchorage, Alaska.

Roll call showed 39 members present.

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

The House advanced to:

COMMUNICATIONS

The following letter dated August 9, 2009, was sent to the Chief Clerk from Speaker Chenault:

"Dear Ms. Lowell:

Pursuant to Article II, Section 9, of the Constitution of the State of Alaska and AS 24.05.100(a)(2), the presiding officers of the Senate and the House announced that during the first two weeks of July, the memberships of both bodies were polled asking whether a special session of the Twenty-Sixth Alaska State Legislature should be held in Anchorage on either July 25th or August 10th in order to confirm Lt. General Craig Campbell as the successor to the Lt. Governor and to

address appropriations vetoed by the governor. More than two-thirds of the membership responded in the affirmative.

The question asked of the House members was:

"Do you want to meet in special session in Anchorage on either July 25th or August 10th to consider confirmation of the lieutenant governor designee and to override the Governor's veto of federal energy stimulus funds?"

The poll results are attached.

I respectfully request this correspondence and poll results become part of the official record for this special session.

Sincerely,

/s/

Mike Chenault

Speaker of the Alaska State House"

The poll results follow:

The following House majority members voted in the affirmative: Representatives Austerman, Chenault, Coghill, Dahlstrom, Edgmon, Fairclough, Gatto, Harris, Hawker, Herron, Johansen, Johnson, Joule, Kelly, Lynn, Millett, Munoz, Neuman, Olson, Ramras, Seaton, Stoltze, Thomas, and Wilson. Representative Keller responded "No"; Representative Foster responded "Other".

Enclosed was a letter dated August 9, 2009, from Representative Kerttula, House Minority Leader, to Speaker Chenault stating that 14 House minority members voted in the affirmative for having a special session on the aforementioned issues.

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

Our Father in Heaven,

As we gather here today as a legislative body we thank thee for our beautiful state, for our country and freedom, and most especially for our lives.

Bless us this day with wisdom, tolerance, and clear minds as we do the state's business. Bless the men and women of our military who are defending freedom and their loved ones and families who wait for their return. Bless those who have made the ultimate sacrifice for us to enjoy freedom.

Father, please bless the members of this body who have health challenges and other struggles. May thy calming spirit be with them.

We thank thee, Father, and ask for these things in thy name. Amen.

The Pledge of Allegiance was led by Representative Harris.

CERTIFICATION OF THE JOURNAL

Representative Johansen moved and asked unanimous consent that the journal for the 90th legislative day, House Journal Supplement Nos. 2 and 3, House and Senate Joint Journal Supplement No. 7, and the Final Supplement of the First Session be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A letter dated July 7, 2009, was read stating that, in accordance with AS 44.19.040 and art. III, sec. 13, Constitution of the State of Alaska, Governor Palin submits the following name for legislative confirmation of appointment to the position noted:

Lieutenant Governor Successor

Lieutenant General Craig E. Campbell

Enclosed was a letter dated July 6, 2009, from Commissioner Joseph D. Schmidt to Governor Palin declining the appointment of Lieutenant Governor Successor. Mr. Schmidt was confirmed as Lieutenant Governor Successor on April 16, 2009 (Senate and House Joint Journal Supplement No. 6).

The Speaker stated that if a referral had been necessary today General Campbell's name would have been referred to the Judiciary Committee. However, the Judiciary Committee has already held an informational hearing examining the qualification of General Campbell as Lieutenant Governor Successor. This hearing is sufficient and no other referrals or hearings are needed at this time.

COMMUNICATIONS

Letters of disclosure, as required by AS 24.60, will be published in House Journal Supplement No. 4 and Senate and House Joint Journal Supplement No. 8.

The following was received:

City of Soldotna
Soldotna City Council
Resolution 2009-048

"Urging State of Alaska Representatives to Support H.R. 2256, the "Preserving the American Historical Record" Act and Requesting that Once the Act is Adopted, the Funds Be Redistributed to Local Municipalities to Meet the Mandates of Alaska Statute 29.20.380"
Adopted July 22, 2009

The resolution is on file in the Chief Clerk's office.

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 Doogan – from 7:00 a.m., November 20 to 10:00 p.m., December 13

Representative Fairclough – from 7:00 a.m., September 9 to 10:00 p.m., September 12

Representative Johnson – from 7:00 a.m., September 17 to 10:00 p.m., September 28; from 7:00 a.m., September 30 to 10:00 p.m., October 9; and from 7:00 a.m., October 25 to 10:00 p.m., October 31

Representative Lynn – from 7:00 a.m., November 11 to 10:00 p.m., November 16

ANNOUNCEMENTS

House committee schedules are published under separate cover.

* * * * *

The Speaker stated that, without objection, the House would recess until 1:00 p.m. for a joint session; and so, the House recessed at 9:17 a.m.

AFTER RECESS

The Speaker called the House back to order at 1:08 p.m.

JOINT SESSION

In accordance with Uniform Rule 51, Speaker Chenault turned the gavel over to President Stevens who called the joint session to order at 1:08 p.m.

The purpose of the joint session was to consider confirmation of the Governor's appointment and to address appropriations vetoed by the Governor.

Roll call of the Senate showed 20 members present.

Roll call of the House showed 39 members present. Representative Foster was excused (page 1247).

* * * * *

President Stevens appointed Representative Salmon and Senator Kookesh to escort the Honorable Don Young, U.S. Representative, and his daughter, Joni Nelson, to the joint session.

Congressman Young and Ms. Nelson were escorted to the rostrum and welcomed by President Stevens.

President Stevens and Speaker Chenault presented Congressman Young and Ms. Nelson with a flag flown over the capitol building in memory of their wife and mother, Lu Young.

* * * * *

Senator Ellis placed a call for the duration of the joint session.

The call was satisfied.

Senator Ellis moved that the following appointment as Lieutenant Governor Successor be confirmed:

Lieutenant Governor Successor

Lieutenant General Craig E. Campbell

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

The question being: "Shall Lieutenant General Craig E. Campbell be confirmed as Lieutenant Governor Successor?" The roll of the Senate was called with the following result:

Lieutenant Governor Successor

Confirm - Campbell

SENATE

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

Yeas: Bunde, Davis, Dyson, Egan, Ellis, French, Hoffman, Huggins, McGuire, Menard, Meyer, Olson, Stedman, Therriault, Thomas, Wagoner, Wielechowski, Stevens

Nays: Kookesh, Paskvan

The roll of the House was called with the following result:

Lieutenant Governor Successor
Confirm - Campbell
HOUSE

YEAS: 37 NAYS: 2 EXCUSED: 1 ABSENT: 0

Yeas: Austerman, Buch, Cissna, Coghill, Dahlstrom, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Tuck, Wilson, Chenault

Nays: Crawford, Thomas

Excused: Foster

TOTALS: YEAS: 55 NAYS: 4 EXCUSED: 1 ABSENT: 0

And so, Lieutenant General Craig E. Campbell was confirmed as Lieutenant Governor Successor.

HB 199

Senator Ellis moved that the appropriation on page 12, lines 28-29 (AHFC State Energy Program) of:

SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN)

"An Act making appropriations, including supplemental appropriations and capital appropriations; amending appropriations; and providing for an effective date."

become law notwithstanding the Governor's line item veto.

The question being: "Shall the appropriation on page 12, lines 28-29 of SCS CSHB 199(FIN) become law notwithstanding the Governor's line item veto?" The roll of the House was called with the following result:

SCS CSHB 199(FIN)
Override Line Item Veto
Page 12, lines 28-29
HOUSE

YEAS: 30 NAYS: 9 EXCUSED: 1 ABSENT: 0

Yeas: Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Joule, Kawasaki, Kerttula, Millett, Munoz, Olson, Petersen, Ramras, Salmon, Seaton, Thomas, Tuck, Wilson, Chenault

Nays: Coghill, Fairclough, Johnson, Keller, Kelly, Lynn, Neuman, Stoltze, Austerman

Excused: Foster

The roll of the Senate was called with the following result:

SCS CSHB 199(FIN)
Override Line Item Veto
Page 12, lines 28-29
SENATE

YEAS: 15 NAYS: 5 EXCUSED: 0 ABSENT: 0

Yeas: Davis, Egan, Ellis, French, Hoffman, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wielechowski, Stevens

Nays: Dyson, Huggins, Therriault, Wagoner, Bunde

TOTALS: YEAS: 45 NAYS: 14 EXCUSED: 1 ABSENT: 0

And so, the Governor's line item veto was overridden.

The Chief Clerk notified the Office of the Governor.

SB 75

Senator Hoffman moved that the appropriations in Section 1, page 37, lines 15-16 (Anchorage Campus Project Phase 2); Section 1, page 37, line 19 (CourtView Enhancements); Section 4, page 44, lines 31-32 (Ketchikan - Cruise Ship Berth IV Traffic Signal); Section 4, page 45, lines 3-5 (Ketchikan - Port of Ketchikan Berth I and II Replacement);

Section 4, page 45, lines 31-32 (Sitka - Crescent Harbor Sidewalk Widening); Section 4, page 45, line 33 through page 46, line 3 (Sitka - Swan Lake Recovery and Improvements) of:

HOUSE CS FOR CS FOR SENATE BILL NO. 75(FIN)

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

become law notwithstanding the Governor's line item vetoes.

Representative Ramras declared a conflict of interest. Objection was heard, and Representative Ramras was required to vote.

Senator Bunde moved and asked unanimous consent that the question be divided.

Senator Stedman objected.

President Stevens stated that, without objection, the presiding officers would vote first.

The question being: "Shall the question be divided?" The roll of the Senate was called with the following result:

HCS CSSB 75(FIN)

Override Line Item Vetoes

Divide the Question

SENATE

YEAS: 3 NAYS: 17 EXCUSED: 0 ABSENT: 0

Yeas: Dyson, Therriault, Bunde

Nays: Stevens, Egan, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wagoner, Wielechowski, Davis

The roll of the House was called with the following result:

HCS CSSB 75(FIN)

Override Line Item Vetoes

Divide the Question

HOUSE

YEAS: 0 NAYS: 39 EXCUSED: 1 ABSENT: 0

Nays: Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson, Austerman, Buch

Excused: Foster

TOTALS: YEAS: 3 NAYS: 56 EXCUSED: 1 ABSENT: 0

And so, the motion failed.

The question being: "Shall the appropriations in Section 1, page 37, lines 15-16; Section 1, page 37, line 19; Section 4, page 44, lines 31-32; Section 4, page 45, lines 3-5; Section 4, page 45, lines 31-32; Section 4, page 45, line 33 through page 46, line 3 of HCS CSSB 75(FIN) become law notwithstanding the Governor's line item vetoes?" The roll of the House was called with the following result:

HCS CSSB 75(FIN)

Override Line Item Vetoes

Section 1, page 37, lines 15-16; Section 1, page 37, line 19; Section 4, page 44, lines 31-32; Section 4, page 45, lines 3-5; Section 4, page 45, lines 31-32; Section 4, page 45, line 33 through page 46, line 3

HOUSE

YEAS: 24 NAYS: 15 EXCUSED: 1 ABSENT: 0

Yeas: Coghill, Crawford, Dahlstrom, Edgmon, Fairclough, Gruenberg, Harris, Hawker, Herron, Johansen, Johnson, Joule, Keller, Kerttula, Lynn, Millett, Munoz, Petersen, Ramras, Stoltze, Thomas, Wilson, Austerman, Cissna

Nays: Doogan, Gara, Gardner, Gatto, Guttenberg, Holmes, Kawasaki, Kelly, Neuman, Olson, Salmon, Seaton, Tuck, Buch, Chenault

Excused: Foster

The roll of the Senate was called with the following result:

HCS CSSB 75(FIN)

Override Line Item Vetoes

Section 1, page 37, lines 15-16; Section 1, page 37, line 19; Section 4, page 44, lines 31-32; Section 4, page 45, lines 3-5; Section 4, page 45, lines 31-32; Section 4, page 45, line 33 through page 46, line 3

SENATE

YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0

Yeas: Egan, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Thomas, Wielechowski, Davis, Stevens

Nays: Therriault, Wagoner, Bunde, Dyson

TOTALS: YEAS: 40 NAYS: 19 EXCUSED: 1 ABSENT: 0

And so, lacking the required 45 votes, the Governor's line item vetoes were sustained.

Senator Ellis moved and asked unanimous consent that the joint session adjourn. There being no objection, President Stevens adjourned the joint session at 3:49 p.m.

IN THE HOUSE

The Speaker called the House back to order at 3:50 p.m.

MESSAGES FROM THE SENATE

A message dated August 10, 2009, was received stating the Senate has accepted the invitation to meet in joint session at the Egan Center in Anchorage at 1:00 p.m., August 10 to consider confirmation of the Governor's appointment of Lieutenant General Craig Campbell as Lieutenant Governor Successor and for the purpose of overriding the Governor's veto(es).

UNFINISHED BUSINESS**HB 199**

The engrossed and enrolled copies of the following were transmitted to Tam Cook, Director of Legal Services:

SENATE CS FOR CS FOR HOUSE BILL NO. 199(FIN)

"An Act making appropriations, including supplemental appropriations and capital appropriations; amending appropriations; and providing for an effective date."

Chapter No. 17, SLA 2009

ADJOURNMENT

Representative Johansen moved and asked unanimous consent that the First Special Session of the House of Representatives for the Twenty-sixth Legislature adjourn sine die. There being no objection, the House adjourned at 3:50 p.m.

Suzi Lowell
Chief Clerk