

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Wednesday

February 3, 2010

Sixteenth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:33 a.m.

Roll call showed 36 members present. Representatives Kelly and Stoltze were absent and their presence was noted later. Representative Hawker was absent.

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

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

Heavenly Father, you who knows everything and we who know a lot less, you are the one that put 40 legislators in these seats and have given us the authority and the privilege to do things for the people that you have created. We have this obligation, and it is a tough one, and we want you to know that we feel it is tough, but our goal is to do the best we can. So we ask you to do everything you can to give us the help that we are asking for. Put your hand on our shoulder and push us through certain doors and give us the things that develop in our minds so that we can move the finest state in the nation in the direction that makes us all better people. In Jesus' name. Amen.

The Pledge of Allegiance was led by Representative Doogan.

CERTIFICATION OF THE JOURNAL

Representative Johansen moved and asked unanimous consent that the journal for the 14th and 15th 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 and received February 1, 2010, was read stating that, in accordance with art. III, sec. 25, Constitution of the State of Alaska and AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the positions noted.

The Speaker referred the following to the Judiciary Committee:

Attorney General

Daniel S. Sullivan
Appointed: 6/16/2009

The Speaker referred the following to the House Special Committee on Military & Veterans' Affairs and the State Affairs Committee:

Commissioner – Department of Military and Veterans' Affairs

Adjutant General Thomas Katkus
Appointed: 11/9/2009

**The presence of Representatives Stoltze and Kelly was noted.

A letter dated and received February 2, 2010, was read stating that in accordance with art. III, secs. 25 and 26, Constitution of the State of Alaska and AS 18.85.030 and AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the positions noted.

The Speaker referred the following to the Education Committee:

Board of Education and Early Development

Esther J. Cox – Anchorage
Appointed: 2/13/2003 Reappointed: 3/31/2005
Reappointed: 3/1/2010 Term Expires: 3/1/2015

James (Jim) E. Merriner – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2015

Professional Teaching Practices Commission

Eric V. Fry – Juneau

Appointed: 3/1/2010 Term Expires: 3/1/2013

Jeffrey A. Hebard – Fairbanks

Appointed: 5/1/2006 Reappointed: 3/1/2007

Reappointed: 3/1/2010 Term Expires: 3/1/2013

Michael D. Husa – Bethel

Appointed: 2/13/2007

Reappointed: 3/1/2010 Term Expires: 3/1/2013

The Speaker referred the following to the Finance Committee:

State Assessment Review Board

Roger W. Nash – Fairbanks

Appointed: 3/1/2010

Alaska Mental Health Trust Authority Board of Trustees

Laraine L. Derr – Juneau

Appointed: 10/19/2005

Reappointed: 3/1/2010 Term Expires: 3/1/2015

Mary Jane Michael – Anchorage

Appointed: 3/1/2009

Reappointed: 3/1/2010 Term Expires: 3/1/2015

Carlton R. Smith – Juneau

Appointed: 3/1/2010 Term Expires: 3/1/2014

The Speaker referred the following to the House Special Committee on Fisheries and the Resources Committee:

Alaska Commercial Fisheries Entry Commission (CFEC)

Bruce C. Twomley – Juneau

Appointed: 8/2/2005 Reappointed: 3/1/2006

Reappointed: 3/1/2010 Term Expires: 3/1/2014

The Speaker referred the following to the Judiciary Committee:

Board of Governors of the Alaska Bar

Donald McLean – Wasilla

Appointed: 3/1/2007

Reappointed: 3/1/2010 Term Expires: 3/1/2013

Public Defender

Quinlan Steiner – Anchorage

Appointed: 10/14/2005

Reappointed: 10/9/2009 Term Expires: 10/14/2013

Violent Crimes Compensation Board

Nora G. Barlow – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2011

Gerad G. Godfrey – Eagle River

Appointed: 2/19/2003

Reappointed: 4/6/2004 Reappointed: 3/1/2007

Reappointed: 3/1/2010 Term Expires: 3/1/2013

The Speaker referred the following to the Labor & Commerce Committee:

Alcoholic Beverage Control Board

Belen M. Cook – Cordova

Appointed: 12/29/2008

Reappointed: 3/1/2010 Term Expires: 3/1/2013

State Board of Registration for Architects, Engineers, and Land Surveyors

Brian R. Hanson – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2014

Burdett B. Lent – Wasilla

Appointed: 12/15/2005 Reappointed: 7/10/2009

Reappointed: 3/1/2010 Term Expires: 6/30/2017

Donald W. Shiesl – Wasilla

Appointed: 10/16/2008

Reappointed: 3/1/2010 Term Expires: 3/1/2014

Board of Barbers and Hairdressers

Glenda Ledford – Wasilla

Appointed: 3/1/2010 Term Expires: 3/1/2014

Jynal C. Radziukinas – Sitka

Appointed: 3/1/2010 Term Expires: 3/1/2014

Board of Chiropractic Examiners

Verdie A. Bowen, Sr. – Wasilla

Appointed: 3/1/2010 Term Expires: 3/1/2014

Dr. Walter L. Campbell – Palmer

Appointed: 3/1/2010 Term Expires: 3/1/2014

Board of Dental Examiners

Dr. Thomas J. Wells – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2014

Alaska Labor Relations Agency

Gary P. Bader – Anchorage

Appointed: 3/24/2004 Reappointed: 6/17/2008

Reappointed: 3/1/2010 Term Expires: 3/1/2013

Daniel Repasky – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2013

Board of Marine Pilots

Richard A. Erickson – Ketchikan

Appointed: 3/1/2010 Term Expires: 3/1/2014

Board of Marital and Family Therapy

Kennith E. McCarty – Kodiak

Appointed: 3/1/2010 Term Expires: 3/1/2013

Board of Certified Direct-Entry Midwives

Jennifer Grimwood – Cordova

Appointed: 3/1/2010 Term Expires: 3/1/2014

Board of Nursing

Nancy Bienvenue – Fairbanks

Appointed: 3/1/2010 Term Expires: 3/1/2014

Kevin B. Dougherty – Eagle River

Appointed: 3/1/2010 Term Expires: 3/1/2014

Board of Examiners in Optometry

JoAnne Bell-Graves – Juneau

Appointed: 3/1/2010 Term Expires: 3/1/2014

James C. Graves – Fairbanks

Appointed: 4/3/2006
Reappointed: 3/1/2010 Term Expires: 3/1/2014

Board of Pharmacy

Anne F. Gruening – Juneau

Appointed: 3/1/2010 Term Expires: 3/1/2014

Richard C. Holm – North Pole

Appointed: 3/31/2006
Reappointed: 3/1/2010 Term Expires: 3/1/2014

State Physical Therapy and Occupational Therapy Board

Dr. Darin M. Bell – Seward

Appointed: 6/22/2009
Reappointed: 3/1/2010 Term Expires: 3/1/2012

Judy Bogard – Fairbanks

Appointed: 3/1/2010 Term Expires: 3/1/2014

Mary M. Robinson – Moose Pass

Appointed: 3/1/2010 Term Expires: 3/1/2014

Board of Professional Counselors

Jennifer Burkholder – Anchorage

Appointed: 4/4/2006
Reappointed: 3/1/2010 Term Expires: 3/1/2014

Emily A. Zimbrich – Haines

Appointed: 4/4/2006
Reappointed: 3/1/2010 Term Expires: 3/1/2014

Board of Psychologist and Psychological Associate Examiners

Dr. Iva Greywolf – Sitka

Appointed: 3/1/2010 Term Expires: 3/1/2014

Board of Certified Real Estate Appraisers

Clint H.A. Lentfer – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2014

Donna H. Rulien – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2014

Real Estate Commission

Marianne K. Burke – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2011

Regulatory Commission of Alaska (RCA)

T.W. Patch – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2016

Board of Social Work Examiners

Jason D. Floyd – Valdez

Appointed: 4/4/2006

Reappointed: 3/1/2010 Term Expires: 3/1/2014

Barbara I. Paddock – Juneau

Appointed: 12/24/2009 Term Expires: 3/1/2011

Laura Thiesen – Glennallen

Appointed: 3/1/2010 Term Expires: 3/1/2014

Board of Veterinary Examiners

Dr. Teresa L. Beck – Palmer

Appointed: 3/1/2010 Term Expires: 3/1/2014

Dr. John E. Tuomi – Palmer

Appointed: 7/24/2009

Reappointed: 3/1/2010 Term Expires: 3/1/2012

Workers' Compensation Appeals Commission

Laurence Keyes – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2015

Alaska Workers' Compensation Board

Jeffrey R. Bizzarro – Two Rivers

Appointed: 3/1/2010 Term Expires: 3/1/2011

James P. Fassler – Soldotna

Appointed: 7/10/2009

Reappointed: 3/1/2010 Term Expires: 3/1/2012

John D. Garrett – Anchorage

Appointed: 3/1/2010 Term Expires: 3/1/2013

Don E. Gray – Anchorage

Appointed: 12/26/2007

Reappointed: 3/1/2010 Term Expires: 3/1/2013

Sarah L. Lefebvre – Fairbanks

Appointed: 3/1/2009

Reappointed: 3/1/2010 Term Expires: 3/1/2013

Michael J. Notar – Juneau

Appointed: 12/26/2007

Reappointed: 3/1/2010 Term Expires: 3/1/2013

Thomas J. Tibor – Anchorage

Appointed: 7/10/2009

Reappointed: 3/1/2010 Term Expires: 3/1/2013

Janet L. Waldron – Anchorage

Appointed: 9/8/2006 Reappointed: 3/1/2007

Reappointed: 3/1/2010 Term Expires: 3/1/2013

The Speaker referred the following to the Resources Committee:

Big Game Commercial Services Board

Robert D. Mumford – Anchorage

Appointed: 3/3/2006

Reappointed: 3/1/2010 Term Expires: 3/1/2014

Board of Game

Allen F. Barrette – Fairbanks

Appointed: 3/1/2010 Term Expires: 6/30/2013

Ben Grussendorf – Sitka

Appointed: 1/31/2001 Reappointed: 3/1/2007

Reappointed: 3/1/2010 Term Expires: 6/30/2013

The Speaker referred the following to the State Affairs Committee:

State Commission for Human Rights

Lester C. Lunceford – Whittier

Appointed: 2/19/2003 Reappointed: 3/18/2005

Reappointed: 3/1/2010 Term Expires: 3/1/2015

Board of Parole

Richard O. Larson – Palmer

Appointed: 3/1/2010 Term Expires: 3/1/2015

Personnel Board

Dr. Keith J. Hamilton – Soldotna

Appointed: 3/1/2010 Term Expires: 3/1/2016

Alaska Public Offices Commission (APOC)

Elizabeth Johnston Hickerson – Anchorage

Appointed: 9/8/2006

Reappointed: 3/1/2010 Term Expires: 3/1/2015

Kathleen J. King – Anchorage

Appointed: 5/27/2009

Reappointed: 3/1/2010 Term Expires: 3/1/2014

Resumes for the appointments are on file in the Chief Clerk's office.

MESSAGES FROM THE SENATE

A message dated February 1, 2010, was read stating the Senate accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., February 10, 2010, to hear the State of the Judiciary Address by Chief Justice Walter Carpeneti.

A message dated February 1, 2010, was read stating the Senate accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., March 31, 2010, to hear an address by the Honorable Mark Begich, U.S. Senator.

COMMUNICATIONS

Letters of disclosure, as required by AS 24.60, were published in House Journal Supplement No. 5 and House and Senate Joint Journal Supplement No. 11.

The following were received:

Alaska Energy Authority
Annual Capital Project Status Report
Bradley Lake Hydroelectric Project
January 29, 2010
(as required by AS 44.83.950)

Dept. of Commerce, Community, & Economic Development
Division of Community & Regional Affairs
National Petroleum Reserve-Alaska
Impact Mitigation Grant Program Report
January 2010
(as required by AS 37.05.530)

Alaska Court System
Status of Surcharge Revenue
Fiscal Year 2010
(as required by Chapter No. 56, SLA 1998)

Alaska Court System
Travel and Compensation Report, 2009
(as required by AS 22.20.037)

Dept. of Labor & Workforce Development
Nonresidents Working in Alaska - 2008
<http://almis.labor.state.ak.us>
(as required by AS 36.10.130)

Dept. of Natural Resources
Citizens' Advisory Commission on Federal Areas
2009 Annual Report
(as required by AS 41.37.220)

REPORTS OF STANDING COMMITTEES

HB 144

The Judiciary Committee considered:

HOUSE BILL NO. 144

"An Act relating to the Uniform Probate Code, including wills, trusts, nonprobate transfers, augmented estates, personal representatives, and trustees; and amending Rules 3 and 8, Alaska Rules of Civil Procedure, Rule 1, Alaska Rules of Probate Procedure, and Rule 37.5, Alaska Rules of Administration."

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

Do pass (1): Gruenberg

No recommendation (4): Lynn, Herron, Gatto, Dahlstrom

The following fiscal note(s) apply:

2. Zero, Dept. of Law

HB 144 was referred to the Rules Committee for placement on the calendar.

HB 276

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 276

"An Act amending the description of parcels within the Fort Rousseau Causeway State Historical Park; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 276(CRA)
(same title)

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

Do pass (2): Keller, Munoz

No recommendation (2): Gardner, Herron

The following fiscal note(s) apply to CSHB 276(CRA):

1. Zero, Dept. of Transportation & Public Facilities

HB 276 was referred to the Rules Committee for placement on the calendar.

HB 294

The Labor & Commerce Committee considered:

HOUSE BILL NO. 294

"An Act amending the termination date of certain statutes relating to the use, operation, and regulation of boats, a uniform state waterway marking system, and civil liability for boat owners; providing for an effective date by amending the effective date of secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27, ch. 28, SLA 2000, as amended; and providing for an effective date."

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

Do pass (7): Lynn, Buch, Neuman, Chenault, Holmes, T. Wilson, Olson

The following fiscal note(s) apply:

1. Fiscal, Dept. of Natural Resources

HB 294 was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES

HB 227

The House Special Committee on Fisheries considered:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 227

"An Act relating to the establishment of state fish and game reserves; creating the Holitna River Basin Hunting, Fishing, and Trapping Reserve; and providing for an effective date."

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

Do pass (1): Edgmon

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

Amend (1): Kawasaki

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources
2. Indeterminate, Dept. of Fish & Game

SSHB 227 was referred to the Resources Committee.

HB 274

The House Special Committee on Military & Veterans' Affairs considered:

HOUSE BILL NO. 274

"An Act establishing August 7 as Purple Heart Day."

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

Do pass (6): Kawasaki, Lynn, T. Wilson, Buch, Ramras, Gatto

The following fiscal note(s) apply:

1. Zero, House Special Committee on Military & Veterans' Affairs

HB 274 was referred to the State Affairs Committee.

INTRODUCTION OF CITATIONS

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

In Memoriam - George Murray Sullivan
By Representatives Holmes, Doogan

In Memoriam - Gloria Woodworth
By Representative T. Wilson; Senator Coghill

In Memoriam - Bertha 'Inugoluk' Moses
By Senator Kookesh; Representative Salmon

In Memoriam - Robert 'Bob' E. Lee Jr.
By Senator Kookesh; Representative Salmon

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HR 13

HOUSE RESOLUTION NO. 13 by Representatives Stoltze and Lynn:

Encouraging the repeal of the Anchorage Vehicle Inspection and Management Program.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 323

HOUSE BILL NO. 323 by the House Rules Committee by request, entitled:

"An Act increasing the number of superior court judges designated for the third judicial district; and providing for an effective date."

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

HB 324

HOUSE BILL NO. 324 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the crime of failure to appear; relating to arrest for violating certain conditions of release; relating to release before trial, before sentence, and pending appeal; relating to material witnesses; relating to temporary release; relating to release on a petition to revoke probation; relating to the first appearance before a judicial officer after arrest; relating to service of process for domestic violence protective orders; making conforming amendments; amending Rules 5 and 41, Alaska Rules of Criminal Procedure, and Rules 206 and 603, Alaska Rules of Appellate Procedure; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Administration
3. Zero, Dept. of Corrections
4. Zero, Dept. of Law

The Governor's transmittal letter dated February 1, 2010, follows:

"Dear Speaker Chenault:

Under the authority of Art. III, Sec. 18, of the Alaska Constitution, I am transmitting a bill that revises State bail statutes and provides better direction to judicial officers in making decisions about the release of a person charged with a crime.

A judicial officer's decision to release or detain a person who has been charged with a crime is critical to the justice system and the safety of the community. The guidance currently provided in the State's bail statutes was in effect before statehood, and is in many respects outdated. The bill includes a general revision of the procedures and standards in AS 12.30.

Although the bill retains many of the general guidelines in current law for release of persons charged with crimes, there are important differences that would greatly improve the safety of Alaskans. For example, in cases where a person is charged with a serious crime such as sexual assault, the bill would adopt a rebuttable presumption that no release condition or combination of release conditions would assure the appearance of the defendant or the safety of others. This would result in a more serious inquiry into the release conditions that would reasonably assure that the person charged would appear in court and would not pose a danger to the victim or the public.

The bill would impose standards on persons who may serve as a third-party custodian for a defendant. Appointment of a third-party custodian is useful in certain cases, but only if the custodian takes their duties seriously. The bill requires a person to appear in court and acknowledge the responsibilities of a custodian, and be notified that failure to undertake these responsibilities can result in the custodian being charged with a crime or being held in contempt. It also prohibits a person from serving as a custodian if the person is a witness in the defendant's case, has recent criminal convictions, or is on probation.

Under current law, a person found guilty of an unclassified or class A felony may not be released before sentencing or during an appeal. The bill extends this prohibition to include persons convicted of a sexual felony, or of a class B or C felony if the person has a previous felony conviction within the past 10 years. There are several reasons for these changes. First, a person convicted of a sexual felony is subject to a potential maximum term of imprisonment of 99 years, and for that reason poses a higher flight risk. Second, the high recidivism rate for sex offenders raises the danger to the public if the person is released.

Further, the provision addressing persons convicted of a class B or C felony with a prior conviction responds to a decision by the Alaska Court of Appeals, *Bourdon v. State*, 28 P.3d 319 (Alaska App. 2001). *Bourdon* found the current law on release of persons with prior convictions to violate the equal protection clause of the Alaska Constitution. The bill corrects the concerns noted by the court in *Bourdon*.

The bill also would clarify how to deal with material witnesses that are unlikely to appear for trial even if served with a subpoena. Under current law a material witness may be arrested. Currently, there are no standards allowing for release from confinement. This bill would allow the witness to be released after providing deposition.

Current law requires a person who is arrested for a crime to be brought before a judicial officer within 24 hours of arrest. Many states and the federal law require the first appearance within 48 hours, and this deadline is proposed in the bill. There are good reasons for the change. Forty-eight hours would allow the prosecutor adequate time to see the police report, make informed charging decisions, and to make more rational bail arguments to the judicial officer. It would also allow time to contact a victim for input about whether the defendant would present a danger if released without particular conditions. A victim has a right to be heard at a bail hearing; 48 hours gives the prosecution time to make this right meaningful.

The bill addresses the safety of a victim of domestic violence by adopting tough standards for when a domestic violence offender may return to the victim's residence. The current statute forbids an offender from returning to the victim's residence. However, this prohibition was overturned by the court in *Williams v. State*, 151 P.3d 460 (Alaska App. 2006). The court found that the absolute prohibition violated the constitutional guarantee of equal protection of the law. In response to *Williams*, the bill adopts standards for the court to apply in deciding whether it is safe and appropriate to allow the person to return to the home of the victim. These standards emphasize the safety of the victim.

Passage of this bill would protect all Alaskans, and particularly many of our most vulnerable friends and neighbors. I urge your prompt and favorable consideration of this bill.

Sincerely,

/s/

Sean Parnell
Governor"

HB 325

HOUSE BILL NO. 325 by the House Rules Committee by request of the Governor, entitled:

"An Act making capital appropriations for deferred maintenance projects, equipment replacement, and emergency repairs; and providing for an effective date."

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

The Governor's transmittal letter dated February 1, 2010, follows:

"Dear Speaker Chenault:

Under the authority of Art. III, Sec. 18, of the Alaska constitution, I am transmitting a bill relating to supplemental appropriations for deferred maintenance for Fiscal Year 2010.

I am committed to creating construction jobs across the state by addressing the backlog of deferred maintenance projects for State-owned facilities. In November 2009, I announced my proposal to include \$100 million for deferred maintenance projects in the capital budget each year for the next five years. Deferred maintenance funding is necessary to preserve the State's significant investment in infrastructure and will provide Alaskan contractors and laborers with jobs they can depend on, each and every year.

This request will accelerate the availability of these funds for the upcoming construction season. I ask that you approve these funds by March 1, 2010 so that State agencies can start the process to secure

contractors to do the work now, rather than waiting until the beginning of the next fiscal year on July 1, 2010. Given the loss of jobs in Alaska's construction sector in 2009, it is important to put Alaskans to work on these projects as soon as possible. The legislation has an immediate effective date.

The State and the University of Alaska have over 2,300 buildings statewide and a \$1.9 billion backlog of deferred maintenance projects. The deferred maintenance budget will fund repair and renovation projects throughout Alaska such as electrical and heating upgrades, replacing leaking roofs and adding insulation, replacing windows and siding for improved heat loss control, and replacing elevators, plumbing, fire alarm, and electrical systems. The deferred maintenance plan also applies to all modes of transportation – highway, aviation, and the marine highway – including road surface repairs, guardrails, culverts, bridges, harbors, terminals, and vessels.

Thank you for your consideration of this legislation.

Sincerely,

/s/

Sean Parnell
Governor"

HB 326

HOUSE BILL NO. 326 by the House Rules Committee by request of the Governor, entitled:

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

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

The Governor's transmittal letter dated February 1, 2010, follows:

"Dear Speaker Chenault:

Under the authority of Art. III, Sec. 18, of the Alaska Constitution, I am transmitting a bill relating to supplemental appropriations for the State's operating and capital budgets for Fiscal Year 2010 (FY2010).

My guiding principles for the budget include maintaining budget discipline by limiting State agency growth, focusing on results for Alaskans, and promoting economic opportunities for our families. Supplemental appropriations are intended to respond to unanticipated increases in the current year budget, and provide the opportunity to put more money into savings for future needs.

With the upward trend of oil prices, I asked the Department of Revenue to prepare an interim forecast to update the projection from December 2009. The interim forecast projects a FY2010 surplus of over \$2.2 billion, rather than the original forecasted surplus of \$1.5 billion.

Given the projected surplus for FY2010, the supplemental bill I am submitting today includes a deposit of \$1,116,986,600 into the Public Education Fund for the purpose of funding K-12 education and pupil transportation in the next fiscal year. Putting this money into savings for the next fiscal year and continuing to forward fund a significant component of our annual general fund budget when surplus revenue is available, will keep our reserve accounts healthy and available for those times when the revenue declines.

I am also requesting an appropriation necessary to repay the Constitutional Budget Reserve (CBR), estimated at \$402 million. This request is consistent with the Legislature's and my administration's goals to fully repay the CBR, build up reserves, and forward fund when appropriate. Combined with the Public Education Fund deposit, the supplemental bill sets aside over \$1.5 billion into savings. Consistent with achieving the objective of fully repaying the CBR, I have proposed repealing section 43(c) of Ch. 15, SLA 2009, which, if left intact, would result in unnecessary general fund borrowing from the CBR.

The supplemental request also covers unanticipated increased costs in fire suppression activities and replenishes the disaster relief fund, given the draws on that fund during this fiscal year in response to flooding and other emergencies. State funds of approximately \$45 million and federal funds of \$45 million are requested for formula program costs, particularly in the area of Medicaid, given the increases in enrollments, utilization, and cost of Medicaid services in the current year. Additionally, \$58.3 million are requested for emergency repairs, mitigation, and unanticipated increases. Finally, unanticipated State agency costs due to caseload and other factors are included at \$32 million.

Thank you for your consideration of this bill.

Sincerely,

/s/

Sean Parnell
Governor"

CONSIDERATION OF THE DAILY 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 - John Hilfiker

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

Honoring - Beth Nordlund

By Senator Ellis; Representatives Holmes, Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron,

Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson

Honoring - Lenora Conkle

By Senator Coghill; Representatives Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, 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, P. Wilson, T. Wilson

In Memoriam - Shirley Ann Nygard

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

In Memoriam - Edna Fay Carter

By Senator Coghill; Representatives Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, 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, P. Wilson, T. Wilson

In Memoriam - Elmer Eugene "Gene" Seay

By Senator Coghill; Representatives Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, 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, P. Wilson, T. Wilson

In Memoriam - Edward "Ed" Knoebel

By Senator Coghill; Representatives Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, 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, P. Wilson, T. Wilson

In Memoriam - June Elaine Lash

By Senator Coghill; Representatives Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, 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, P. Wilson, T. 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 Herron – from morning plane time, February 4 to afternoon plane time, February 8

Representative Neuman – from morning plane time, February 4 to morning plane time, February 8

Representative Harris – from afternoon plane time, February 5 to evening plane time, February 7

Representative Ramras – from morning plane time, February 5 to morning plane time, February 8

Representative Thomas – from morning plane time, February 5 to evening plane time, February 7

Representative Gatto – from morning plane time, February 5 to morning plane time, February 8

Representative Seaton – from noon, February 5 to evening plane time, February 8

Representative Tuck – from afternoon plane time, February 5 to morning plane time, February 8

Representative Gara – from evening plane time, February 5 to morning plane time, February 8

Representative P. Wilson – from morning plane time to evening plane time, February 6

Representative Gardner – from morning plane time, February 6 to morning plane time, February 8

Representative Johansen – from afternoon plane time, February 5 to evening plane time, February 7

HB 227

The Speaker added a Finance Committee referral for the following:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 227

"An Act relating to the establishment of state fish and game reserves; creating the Holitna River Basin Hunting, Fishing, and Trapping Reserve; and providing for an effective date."

SSHB 227 is in the Resources Committee.

HB 87

Representative Gatto added his name as cosponsor to:

HOUSE BILL NO. 87

"An Act waiving payment of premiums for major medical insurance under the defined benefit retirement plan for public employees for disabled peace officers who have at least 20 years of credited service as peace officers."

HB 186

Representative T. Wilson added her name as cosponsor to:

CS FOR HOUSE BILL NO. 186(FIN) am

"An Act declaring that certain firearms and accessories are exempt from federal regulation."

HB 274

Representatives T. Wilson, Seaton, Cissna, Kawasaki, Edgmon, Kerttula, Gara, Harris, N. Foster, and Holmes added their names as cosponsors to:

HOUSE BILL NO. 274

"An Act establishing August 7 as Purple Heart Day."

HB 294

Representatives Buch, Olson, Chenault, Holmes, and T. Wilson added their names as cosponsors to:

HOUSE BILL NO. 294

"An Act amending the termination date of certain statutes relating to the use, operation, and regulation of boats, a uniform state waterway marking system, and civil liability for boat owners; providing for an effective date by amending the effective date of secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27, ch. 28, SLA 2000, as amended; and providing for an effective date."

HB 312

Representatives P. Wilson, Neuman, Olson, and Johnson added their names as cosponsors to:

HOUSE BILL NO. 312

"An Act authorizing an advisory vote on use of Alaska permanent fund earnings for an in-state natural gas pipeline; and providing for an effective date."

HB 319

Representatives Neuman, Harris, Kelly, and Gatto added their names as cosponsors to:

HOUSE BILL NO. 319

"An Act relating to firearms."

SJR 22

Representative Gara added his name as cross sponsor to:

CS FOR SENATE JOINT RESOLUTION NO. 22(RES)
Opposing litigation that seeks to eliminate the Kenai, Kasilof, and
Chitina sockeye salmon personal use dip net fisheries.

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Johansen moved and asked unanimous consent that the House adjourn until 10:30 a.m., February 5, 2010. There being no objection, the House adjourned at 11:16 a.m.

Suzi Lowell
Chief Clerk