

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Friday

January 21, 2011

Fourth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:34 a.m.

Roll call showed 34 members present. Representatives Feige, Gatto, Herron, and Joule had been excused from a call of the House today.

Representative Austerman moved and asked unanimous consent that Representatives Cissna and Kawasaki 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 George Silides of Holy Trinity Episcopal Church. Representative Gruenberg moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With deepest respect for the religious traditions of all Alaskans, I offer this prayer:

Almighty God our heavenly Father, we give you thanks for bringing us to the beginning of this new day. Send down upon those here gathered the spirit of wisdom, charity and justice. As each sets their hands and hearts to the work they feel called to do, bring to mind also the work of those who have served honorably and well in these same seats in years gone by. Inspired by their memory, we pray, a desire to leave a same legacy of perseverance, patience, humility and courage on behalf of the people they are called to serve. We

remember and commend to your gracious care the men and women of our state called to serve in our armed forces around the world. Defend them with your heavenly grace, strengthen them in their trials; give them courage to face the perils which beset them; and grant them a sense of your abiding presence wherever they may be. From the comfort of this House we pray also for all whose work is difficult and dangerous, whose labor is a daily risk of life and limb. We pray those who sail upon the open sea and for those who wear the uniform of public service for our well being and protection. And as we have prayed in thanksgiving for the blessings we have inherited from the efforts of those who honored this House, keep us ever mindful of those who will inherit the fruits of our labors, the children in every village, town and city across this state we call our home. Amen.

The Pledge of Allegiance was led by Representative Costello.

CERTIFICATION OF THE JOURNAL

Representative Austerman moved and asked unanimous consent that the journal for the first, second, and third legislative days and Senate and House Joint Journal Supplement No. 1 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

* * * * *

Representative Johnson introduced Connor Pihl, Assistant Sergeant-at-Arms, and this session's pages:

Brandon Brefczynski - Fairbanks
Connie Burgenmeyer - Juneau
Mackenzie Burnett - Juneau
Hanna Davis - Juneau
Marley Horner - Haines
Caulin Shattuck - Chugiak

MESSAGES FROM THE GOVERNOR**EO 115**

EXECUTIVE ORDER NO. 115 received January 18, 2011:

Realigning the oversight authority of the Alaska Aerospace Corporation from the Department of Commerce, Community, and Economic Development to the Department of Military and Veterans' Affairs.

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs and the Community & Regional Affairs Committee.

The following fiscal note(s) apply:

1. Zero, Dept. of Military & Veterans' Affairs
2. Zero, Dept. of Commerce, Community, & Economic Development
3. Zero, Dept. of Commerce, Community, & Economic Development

The Governor's transmittal letter dated January 18, 2011, follows:

"Dear Speaker Chenault:

Under the authority of Article III, Section 23, of the Alaska Constitution, and in accordance with AS 24.08.020, I am transmitting Executive Order 115 to realign the oversight authority of the Alaska Aerospace Corporation from the Department of Commerce, Community, and Economic Development to the Department of Military and Veterans' Affairs.

The Alaska Aerospace Corporation is an entity that works closely with federal military programs and commercial aerospace companies to build capacity to launch test rockets and satellites into space. By changing oversight authority to the Department of Military and Veterans' Affairs (DMVA) from the Department of Commerce, Community, and Economic Development (DCCED), the Alaska Aerospace Corporation (AAC) would have better access to federal military command structure and better opportunity to attract military contracts. The focus for AAC has expanded and is no longer primarily

commercial business development, but rather development of a unique niche market driven by government and military customers. As AAC expands into other aerospace associated operations, such as missile defense, alignment under DMVA provides increased security assurances to the Department of Defense. By strengthening military ties, this move will ultimately help grow related private sector opportunities.

This Executive Order is designed to better build a strong and dependable aerospace industry in Alaska.

Sincerely,

/s/

Sean Parnell
Governor"

MESSAGES FROM THE SENATE

A message dated January 18, 2011, was received stating the Senate accepted the invitation to meet in joint session in the House Chamber at 7:00 p.m., January 19 to hear the Governor's State of the State Address.

A message dated January 18, 2011, was read stating the Senate confirmed the following members to the Select Committee on Legislative Ethics:

Senator Coghill
Senator Stevens
Senator Olson (Alternate)
Senator Thomas (Alternate)

COMMUNICATIONS

The following were received:

Alaska Industrial Development & Export Authority
Annual Review of Assets
January 7, 2011
(as required by AS 44.88.205)

January 21, 2011

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Alaska Public Offices Commission
Biennial Report
January 1, 2011
(as required by AS 15.13.030)

Alaska Railroad Corporation
Report to the State of Alaska
Capital Improvement and Program Plan
December 2010
(as required by AS 42.40.290)

Dept. of Administration
Division of Finance
Comprehensive Annual Financial Report
July 1, 2009 - June 30, 2010
(as required by AS 37.05.210)

Dept. of Commerce, Community, & Economic Development
Division of Insurance
72nd Annual Report
Fiscal Year 2010
(as required by AS 21.06.110)

Dept. of Environmental Conservation
Division of Spill Prevention and Response
Oil and Hazardous Substance Release Prevention and Response Fund
Biennial Report
Fiscal Years 2009 - 2010
(as required by AS 46.08.060)

Dept. of Environmental Conservation
Division of Spill Prevention and Response
Oil and Hazardous Substance Release Prevention and Response Fund
Sustainability Proposal
January 18, 2011
(as required by Chapter No. 41, SLA 2010)

Dept. of Health & Social Services
Annual Report 2010

Dept. of Health & Social Services
Status Report on Health Information Exchange in Alaska
December 2010
(as required by AS 18.23.315)

Knik Arm Bridge and Toll Authority
2010 Annual Report
(as required by AS 19.75.111)

Dept. of Law
Office of the Attorney General
Activities of the National Conference of Commissioners on Uniform
State Laws
Annual Report
September 2, 2010

Legislative Affairs Agency
Division of Legal and Research Services
Report Listing Alaska Statutes with Delayed Repeals or Delayed
Amendments and Examining Court Decisions and Opinions of the
Attorney General Construing Alaska Statutes
December 2010
(as required by AS 24.20.065)

Regulatory Commission of Alaska (RCA)
Annual Report
Fiscal Year 2010

Dept. of Revenue
Oil and Gas Production Tax
Status Report to the Legislature
January 18, 2011
(as required by AS 43.55.180)

Select Committee on Legislative Ethics
Advisory Opinions Rendered by the Committee
Volume XXXI
January 1, 2009 - December 31, 2010
(as required by AS 24.60.150)

Select Committee on Legislative Ethics
Public Decisions Issued by the Committee
Volume XIII
January 1, 2009 - December 31, 2010
(as required by AS 24.60.150)

The following audit reports were received from the Division of Legislative Audit, Legislative Budget & Audit Committee, as required by AS 24.20.311:

2010 Annual Report, Unabridged
2010 Annual Report, Condensed

Dept. of Commerce, Community, & Economic Development
Board of Barbers and Hairdressers
September 30, 2010

Dept. of Commerce, Community, & Economic Development
Board of Dental Examiners
September 30, 2010

Dept. of Commerce, Community, & Economic Development
Board of Nursing
September 30, 2010

Dept. of Commerce, Community, & Economic Development
Regulatory Commission of Alaska (RCA)
FY 09 Annual Report
September 21, 2010

Dept. of Commerce, Community, & Economic Development
Regulatory Commission of Alaska (RCA)
October 16, 2010

Dept. of Natural Resources
Alaska Coastal Management Program
November 26, 2010

Dept. of Revenue
Alaska Natural Gas Development Authority
Selected Operational Issues
October 8, 2010

Dept. of Transportation & Public Facilities
Alaska Marine Highway System Vessel Overhaul and Refurbishment
Procurement
June 21, 2010

REPORTS OF SPECIAL COMMITTEES

A report of the Committee on Committees dated January 20, 2011, was received submitting amendments to the January 18 report (page 10). The following members were designated as Vice Chairs:

Committee on Committees: Austerman, Vice Chair

Rules: Olson, Vice Chair

Finance: Fairclough, Vice Chair

Health & Social Services: Dick, Vice Chair

Judiciary: Thompson, Vice Chair

Resources: P. Wilson, Vice Chair

State Affairs: Keller, Vice Chair

Labor & Commerce: Johnson, Vice Chair

Transportation: Pruitt, Vice Chair

Community & Regional Affairs: Foster, Vice Chair

Education: Pruitt, Vice Chair

HR 1

House Special Committee on Economic Development, Trade, & Tourism: Olson, Vice Chair

HR 3

House Special Committee on Fisheries: Johnson, Vice Chair

HR 4

House Special Committee on Military & Veterans' Affairs: Gatto, Vice Chair

The report was signed by Representative Chenault, Chair; and Representatives Johnson, Austerman, Thomas, Stoltze, and Gardner.

Representative Austerman moved and asked unanimous consent that the House adopt the Committee on Committees report. There being no objection, it was so ordered.

INTRODUCTION OF CITATIONS

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

Honoring - Melody Dix
By Representative Gara

Honoring - Bishop C.D. Williams
By Senator Davis

Honoring - Pamela Scott Washington
By Senator Davis

Honoring - Reverend Paul D. Everett
By Senator Davis

Honoring - Alfredo "Fred" Agron
By Senator Davis

Honoring - Black History Month
By Senator Davis

Honoring - Elizabeth Peratrovich Day
By Senator Davis

Honoring - Hispanic Heritage Month
By Senator Davis

Honoring - Women's History Month 2011
By Senator Davis

In Memoriam - Walter L. Kubley Sr.
By Senator Stedman; Representative Johansen

In Memoriam - Inell Wilson
By Senator Davis

In Memoriam - Phyllis Beck
By Senator Davis

In Memoriam - Grady Ward
By Senator Davis

In Memoriam - Kenneth Alonzo Santore Robinson
By Senator Davis

In Memoriam - Damon Pelham Sr.
By Senator Davis

In Memoriam - John C. Macon
By Senator Davis

In Memoriam - Reverend Leo A. Josey Sr.
By Senator Davis

In Memoriam - Sylvia Elaine Dargan-McBride
By Senator Davis

In Memoriam - Simon Lewis Alsop
By Senator Davis

In Memoriam - Booker Hudson
By Senator Davis

In Memoriam - Elizabeth Kennedy
By Senator Davis

In Memoriam - John Edward Larsen
By Senator Davis

In Memoriam - Laura Esther Poe
By Senator Davis

In Memoriam - Norwood Laws
By Senator Davis

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 2

HOUSE CONCURRENT RESOLUTION NO. 2 by Representatives Stoltze, Pruitt, Thomas, Costello, Chenault, Fairclough, Hawker, Johansen, Johnson, Keller, Millett, Neuman, Olson, Seaton, P. Wilson, Gatto, Saddler, Munoz, and Thompson:

Urging the Alaska Historical Commission to prepare recommendations for the naming of a geographical feature in the state as a permanent legacy in recognition of President Ronald Reagan's service to the United States of America.

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

HJR 10

HOUSE JOINT RESOLUTION NO. 10 by Representative Kerttula:

Supporting expanded research concerning the detrimental effects of ocean acidification.

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

HJR 11

HOUSE JOINT RESOLUTION NO. 11 by Representatives Millett, Lynn, P. Wilson, Saddler, Chenault, and Tuck:

Urging the United States Congress to refrain from passing legislation that designates land in Area 1002 of the Arctic National Wildlife Refuge as wilderness.

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

HJR 12

HOUSE JOINT RESOLUTION NO. 12 by Representatives Millett, Lynn, P. Wilson, Saddler, Chenault, and Tuck:

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production.

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

HJR 13

HOUSE JOINT RESOLUTION NO. 13 by Representatives Stoltze, Pruitt, Thomas, Costello, Chenault, Fairclough, Hawker, Johansen, Johnson, Keller, Millett, Neuman, Olson, Seaton, P. Wilson, Gatto, Lynn, Saddler, Munoz, and Thompson:

Honoring President Reagan on the 100th anniversary of his birth.

was read the first time and referred to the State Affairs Committee.

HJR 14

HOUSE JOINT RESOLUTION NO. 14 by Representative Gruenberg:

Proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of state by substituting references to the office of lieutenant governor.

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

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 111**

HOUSE BILL NO. 111 by Representatives Millett, Lynn, P. Wilson, and Keller, entitled:

"An Act relating to special request choose life license plates; and providing for an effective date."

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

HB 112

HOUSE BILL NO. 112 by Representative Millett, entitled:

"An Act requiring successful completion of a civics examination consisting of questions from the civics portion of the United States naturalization examination; and providing for an effective date."

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

HB 113

HOUSE BILL NO. 113 by Representative Guttenberg, entitled:

"An Act creating the Stampede State Recreation Area."

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

HB 114

HOUSE BILL NO. 114 by Representatives Thompson and Neuman, entitled:

"An Act relating to an opt-out charitable giving program offered by an electric or telephone cooperative."

was read the first time and referred to the Labor & Commerce and Judiciary Committees.

HB 115

HOUSE BILL NO. 115 by Representatives Johnson and Lynn, entitled:

"An Act designating a portion of Minnesota Drive in Anchorage the Walter J. Hickel Expressway."

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

HB 116

HOUSE BILL NO. 116 by the House Rules Committee by request of the Legislative Council, entitled:

"An Act making a corrective amendment to the Alaska Statutes as recommended by the revisor of statutes by correcting the spelling of 'lorazepam' and providing an applicability section; and providing for an effective date."

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

UNFINISHED BUSINESS

Representative Austerman 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 Tuck – from 7:00 p.m., January 21 to 1:00 p.m., January 25

Representative Gara – from noon, January 21 to 10:00 a.m., January 24

* * * * *

Representative Austerman moved that that the House confirm the appointment of Representatives Gatto and Tuck and Representatives Johnson and Gardner (Alternates) to the Select Committee on Legislative Ethics.

The question being: "Shall the House confirm the appointment of Representatives Gatto and Tuck and Representatives Johnson and Gardner (Alternates) to the Select Committee on Legislative Ethics?"
The roll was taken with the following result:

Select Committee on Legislative Ethics
Confirm - Representatives Gatto and Tuck
Representatives Johnson and Gardner, Alternates

YEAS: 33 NAYS: 0 EXCUSED: 6 ABSENT: 1

Yeas: Austerman, Chenault, Costello, Dick, Doogan, Edgmon, Fairclough, Foster, Gardner, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Keller, Kerttula, Lynn, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Cissna, Feige, Gatto, Herron, Joule, Kawasaki

Absent: Gara

And so, the appointments were confirmed.

The Chief Clerk notified the Senate.

* * * * *

Representative Munoz requested that the House members stand for a moment of silence to honor the life of Neva Egan.

HCR 1

Representative Thompson added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 1
Proclaiming November 2011 to be Pancreatic Cancer Awareness
Month.

HJR 1

Representative Kerttula added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 1

Proposing amendments to the Constitution of the State of Alaska to avoid the use of personal pronouns and similar references that denote masculine or feminine gender in that document.

HJR 2

Representative Lynn added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 2

Proposing amendments to the Constitution of the State of Alaska relating to a biennial state budget and to the duration of regular sessions of the legislature to accommodate a biennial state budget.

HJR 8

Representatives Kerttula and Thompson added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 8

Urging the United States Food and Drug Administration to deny an application to sell genetically engineered salmon in the United States; urging compliance with the provision of P.L. 110-85 (Food and Drug Administration Amendments Act of 2007) that requires the Commissioner of Food and Drugs to consult with the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration regarding a report on environmental risks associated with genetically engineered seafood products; and urging that product labeling requirements include the words "Genetically Modified" prominently displayed on the front of the package if the application is approved by the United States Food and Drug Administration.

HJR 9

Representative Thompson added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 9

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production.

HB 3

Representatives Thompson and Fairclough added their names as cosponsors to:

HOUSE BILL NO. 3

"An Act relating to issuance of driver's licenses."

HB 7

Representative Thompson added his name as cosponsor to:

HOUSE BILL NO. 7

"An Act classifying certain synthetic cannabinoids as schedule IIA controlled substances; and providing for an effective date."

HB 9

Representative Thompson added his name as cosponsor to:

HOUSE BILL NO. 9

"An Act requiring the Joint In-State Gasline Development Team to report to the legislature recommended changes to state law that are required to enable or facilitate the design, financing, and construction of an in-state natural gas pipeline so that the in-state natural gas pipeline is operational before 2016; and providing for an effective date."

HB 15

Representatives Kerttula and Johnson added their names as cosponsors to:

HOUSE BILL NO. 15

"An Act relating to prevention and evaluation of and liability for traumatic brain injuries in student athletes."

HB 16

Representative Petersen added his name as cosponsor to:

HOUSE BILL NO. 16

"An Act extending senior benefits."

HB 17

Representative Thompson added his name as cosponsor to:

HOUSE BILL NO. 17

"An Act relating to the tax on oil and gas production; providing for different tax rates based on the average production tax value of oil and gas produced during a calendar year; relating to the tax credit for a carried forward annual loss applicable to the tax on oil and gas production; and providing for an effective date."

HB 20

Representative Thompson added his name as cosponsor to:

HOUSE BILL NO. 20

"An Act providing for a priority for a fishery that is restricted to residents when fishing restrictions are implemented to achieve a management goal."

HB 27

Representative Thompson added his name as cosponsor to:

HOUSE BILL NO. 27

"An Act relating to the disposition of remains of a member of the military if the member dies while in a duty status."

HB 36

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 36

"An Act establishing the Alaska energy efficient small business grant fund and program."

HB 55

Representative Thompson added his name as cosponsor to:

HOUSE BILL NO. 55

"An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law."

HB 63

Representative Kawasaki added his name as cosponsor to:

HOUSE BILL NO. 63

"An Act relating to flame retardants and to the manufacture, sale, and distribution of products containing flame retardants; relating to bioaccumulative toxic chemicals; and providing for an effective date."

HB 67

Representative Petersen added his name as cosponsor to:

HOUSE BILL NO. 67

"An Act relating to transferable film production tax credits; and providing for an effective date by amending the effective dates of secs. 3 and 4, ch. 63, SLA 2008."

HB 75

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 75

"An Act relating to gift certificates, store gift cards, and general use prepaid cards, and to unclaimed property; and making a violation of certain prohibitions on gift certificates, store gift cards, and general use cards an unlawful trade practice."

HB 76

Representative Fairclough added her name as cosponsor to:

HOUSE BILL NO. 76

"An Act relating to costs and fees for stalking and sexual assault protective orders."

HB 81

Representative Gardner added her name as cosponsor to:

HOUSE BILL NO. 81

"An Act relating to motor vehicle dealer charges for fees and costs; relating to the disclosures required for certain motor vehicle transactions; and relating to the financing of motor vehicle purchases."

HB 83

Representative Thompson added his name as cosponsor to:

HOUSE BILL NO. 83

"An Act providing for an apprentice hunting program."

HB 85

Representatives Gara and Gardner added their names as cosponsors to:

HOUSE BILL NO. 85

"An Act requiring the Department of Environmental Conservation to collect and make available to the public certain information relating to water pollution; prohibiting certain mixing zones in freshwater spawning waters; and requiring a public comment period for certain sewage system or treatment works modifications."

HB 92

Representative Gruenberg added his name as cosponsor to:

HOUSE BILL NO. 92

"An Act relating to special request Lao veteran registration plates; and providing for an effective date."

HB 93

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 93

"An Act relating to school gardens, greenhouses, and farms."

HB 94

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 94

"An Act relating to prevention and evaluation of and liability for traumatic brain injuries in student athletes."

HB 97

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 97

"An Act extending a provision relating to noxious weeds, invasive plants, and agricultural pest management and education; providing for an effective date by repealing the effective date of sec. 2, ch. 102, SLA 2008; and providing for an effective date."

ENGROSSMENT AND ENROLLMENT**HR 1**

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 2:19 p.m., January 20, 2011:

HOUSE RESOLUTION NO. 1

Establishing a House Special Committee on Economic Development, Trade, and Tourism.

House Resolve No. 1

HR 2

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 2:19 p.m., January 20, 2011:

HOUSE RESOLUTION NO. 2

Relating to establishing a House Special Committee on Energy.

House Resolve No. 2

HR 3

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 2:19 p.m., January 20, 2011:

HOUSE RESOLUTION NO. 3

Establishing a House Special Committee on Fisheries.

House Resolve No. 3

HR 4

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 2:19 p.m., January 20, 2011:

HOUSE RESOLUTION NO. 4

Establishing a House Special Committee on Military and Veterans' Affairs.

House Resolve No. 4

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Austerman moved and asked unanimous consent that the House adjourn until 11:00 a.m., January 24, 2011. There being no objection, the House adjourned at 11:08 a.m.

Suzi Lowell
Chief Clerk