

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

February 23, 2011

Thirty-seventh Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:39 a.m.

Roll call showed 37 members present. Representative Cissna had been excused from a call of the House today. Representative Seaton was absent and his presence was noted later.

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

The invocation was offered by the Chaplain, Pastor James Duncan of the Peninsula Christian Center. Representative P. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With the deepest respect for the religious views of all Alaskans, I would like to offer this prayer.

Thank you, Lord, for our leaders today. I thank you for the privilege of praying over them as they conduct business for our state.

I pray today for the wisdom of Solomon and the insight of Daniel. I pray for the boldness of David, the vision of John the Revelator, and for the encouragement of Barnabus. Lord, may you continue to do in us and continue to prepare us for what you already have ready for us. And I pray most of all

that you continue to give us the heart of servant leaders like our Lord. We pray it in his name. Amen.

The Pledge of Allegiance was led by Representative Hawker.

CERTIFICATION OF THE JOURNAL

Representative Austerman moved and asked unanimous consent that the journal for the 35th and 36th legislative days and House Journal Supplement No. 1 and House and Senate Joint Journal Supplement No. 2 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Dick introduced Johanna Hunter, Guest Page, from Circle and Julia Fisher-Salmon, Guest Page, from Beaver.

MESSAGES FROM THE GOVERNOR

HR 5

A message dated February 23, 2011, was read stating the Governor read the following resolution and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 5 am

Urging the United States Congress to fund fully the essential air service program.

House Resolve No. 5

REPORTS OF STANDING COMMITTEES

The Transportation Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Marc Luiken

as Commissioner of the Department of Transportation and Public Facilities.

The report was signed by Representative P. Wilson, Chair; and Representatives Johnson, Feige, Pruitt, Munoz, Petersen, and Gruenberg.

HB 3

The Finance Committee considered:

HOUSE BILL NO. 3

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 3(STA)

(same title)

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

Do pass (7): Fairclough, T. Wilson, Doogan, Neuman, Costello, Stoltze, Thomas

No recommendation (4): Gara, Guttenberg, Joule, Edgmon

The following fiscal note(s) apply to CSHB 3(STA):

1. Zero, Dept. of Administration

HB 3 was referred to the Rules Committee for placement on the calendar.

HB 6

The Education Committee considered:

HOUSE BILL NO. 6

"An Act authorizing the governor to remove or suspend a member of the Board of Regents of the University of Alaska for good

cause; and establishing a procedure for the removal or suspension of a regent."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 6(EDC)
(same title)

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

Do pass (5): P. Wilson, Seaton, Kawasaki, Feige, Dick

The following fiscal note(s) apply to CSHB 6(EDC):

1. Zero, Dept. of Administration
2. Zero, University of Alaska

HB 6 was referred to the Judiciary Committee.

HB 56

The Judiciary Committee considered:

HOUSE BILL NO. 56

"An Act making arson in the first degree and arson in the second degree serious felonies for purposes of application of the crime of conspiracy."

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

Do pass (3): Lynn, Gruenberg, Gatto

No recommendation (2): Keller, Pruitt

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Zero, Dept. of Public Safety
3. Indeterminate, Dept. of Corrections

HB 56 was referred to the Finance Committee.

HB 74

The State Affairs Committee considered:

HOUSE BILL NO. 74

"An Act relating to election pamphlets; relating to information that must be provided for a bill under consideration by the legislature that authorizes the issuance of state general obligation bonds and to information that must be provided before the issuance of state general obligation bonds is submitted to the voters for ratification; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 74(STA)

"An Act relating to election pamphlets; relating to information that must be provided for a bill under consideration by the legislature that authorizes the issuance of state general obligation bonds, to information that must be provided before the issuance of state general obligation bonds is submitted to the voters for ratification, and to the publication of a report relating to state bonded debt; and providing for an effective date."

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

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

No recommendation (2): Johansen, Keller

Amend (1): P. Wilson

The following fiscal note(s) apply to CSHB 74(STA):

1. Fiscal, Office of the Governor

HB 74 was referred to the Finance Committee.

HB 119

The Finance Committee considered:

HOUSE BILL NO. 119

"An Act relating to the procurement of supplies, services, professional services, and construction for the Alaska Industrial Development and Export Authority; relating to the definition of 'own' for the economic development account; relating to the definitions of 'development project', 'plant', 'facility', and 'project' for the Alaska Industrial Development and Export Authority; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 119(EDT)

"An Act relating to the procurement of supplies, services, professional services, and construction for the Alaska Industrial Development and Export Authority; relating to the definition of 'own' for the economic development account; relating to the definitions of 'development project', 'plant', 'facility', and 'project' for the Alaska Industrial Development and Export Authority; relating to the Alaska Industrial Development and Export Authority creating subsidiaries regarding projects financed under AS 44.88.172; and providing for an effective date."

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

Do pass (4): Fairclough, Neuman, Joule, Costello

No recommendation (6): T. Wilson, Guttenberg, Edgmon, Doogan, Stoltze, Thomas

Amend (1): Gara

The following fiscal note(s) apply to CSHB 119(EDT):

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

HB 119 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES

A report of the Committee on Committees dated February 23, 2011, was read submitting an amendment to the January 19, 2011, report (page 10). An additional report is on page 78. The amendment follows:

Labor & Commerce Committee: Chenault replaced Seaton

HR 1

House Special Committee on Economic Development, Trade, & Tourism: Joule replaced P. Wilson

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

HB 129

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

HOUSE BILL NO. 129

"An Act relating to providing a death certificate for a deceased veteran without charge."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 129(MLV)
(same title)

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

Do pass (3): Gatto, Miller, Thompson

No recommendation (1): Saddler

The following fiscal note(s) apply to CSHB 129(MLV):

1. Fiscal, Dept. of Health & Social Services

HB 129 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Delta Junction Huskies Hockey Team, Greatland Conference Hockey Champions
By Representative Feige

Commemorating - The 50th Anniversary of the Peace Corps
By Representatives Thompson, Petersen

In Memoriam - Deacon Ken Donohue 1939-2011
By Representatives Lynn, Petersen

In Memoriam - Jennifer Brady-Morales
By Representative P. Wilson

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 7

HOUSE CONCURRENT RESOLUTION NO. 7 by Representatives Saddler and Lynn:

Relating to awarding the Alaska Decoration of Honor to certain members of the military.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 166

HOUSE BILL NO. 166 by Representatives Chenault, Johnson, Costello, Feige, Gatto, Olson, Pruitt, T. Wilson, Millett, Guttenberg, Johansen, Gruenberg, Stoltze, Austerman, Tuck, and Keller, entitled:

"An Act relating to performance reviews and audits of executive branch agencies, the University of Alaska, and the Alaska Court System; and providing for an effective date."

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

HB 167

HOUSE BILL NO. 167 by Representative Johansen by request, entitled:

"An Act relating to the sale of products containing dextromethorphan."

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

HB 168

HOUSE BILL NO. 168 by Representatives Feige, Chenault, Johnson, Keller, and T. Wilson, entitled:

"An Act requiring the amount of the security given by a party seeking an injunction or order vacating or staying the operation of a permit affecting an industrial operation to include an amount for the payment of wages and benefits for employees and payments to contractors and subcontractors that may be lost if the industrial operation is wrongfully enjoined."

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

HB 169

HOUSE BILL NO. 169 by the House Judiciary Committee, entitled:

"An Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date."

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

HB 170

HOUSE BILL NO. 170 by Representatives Feige and Tuck, entitled:

"An Act relating to municipal property tax exemptions on residences of certain volunteer emergency services personnel and the widows and widowers of volunteer emergency services personnel; 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 28**

The following was read the second time:

HOUSE BILL NO. 28

"An Act relating to temporary licenses for certain nonresident professionals."

with the:

Journal Page

L&C RPT CS(L&C) NT 7DP	205
FN1: ZERO(CED)	206
FIN RPT CS(FIN) NT 11DP	287
FN1: ZERO(CED)	287

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

CS FOR HOUSE BILL NO. 28(FIN)

"An Act relating to temporary courtesy licenses for certain nonresident professionals and to a temporary exemption from fees and other licensing requirements for active duty members of the armed forces."

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 28(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 28(FIN) was read the third time.

**The presence of Representative Seaton was noted.

The question being: "Shall CSHB 28(FIN) pass the House?" The roll was taken with the following result:

CSHB 28(FIN)

Third Reading

Final Passage

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

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

Excused: Cissna, Fairclough

And so, CSHB 28(FIN) passed the House and was referred to the Chief Clerk for engrossment.

HB 65

The following was read the second time:

HOUSE BILL NO. 65

"An Act making regional Native housing authorities eligible to receive grants through the Alaska Housing Finance Corporation from the senior citizens housing development fund."

with the:	Journal Page
CRA RPT 7DP	178
FN1: ZERO(REV)	179
FIN RPT 11DP	287
FN2: ZERO(REV)	288

Representative Austerman moved and asked unanimous consent that HB 65 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 65 was read the third time.

The question being: "Shall HB 65 pass the House?" The roll was taken with the following result:

HB 65
Third Reading
Final Passage

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

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

Excused: Cissna, Fairclough

And so, HB 65 passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 33

The following was read the second time:

CS FOR SENATE BILL NO. 33(STA)

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

with the:

Journal Page

STA RPT 7DP

269

FN1: ZERO(MVA)

270

Representative Austerman moved and asked unanimous consent that CSSB 33(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 33(STA) was read the third time.

The question being: "Shall CSSB 33(STA) pass the House?" The roll was taken with the following result:

CSSB 33(STA)

Third Reading

Final Passage

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

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

Excused: Cissna, Fairclough

And so, CSSB 33(STA) passed the House, was signed by the Speaker and Chief Clerk, and returned to the Senate.

LEGISLATIVE CITATIONS

Representative Austerman moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

Honoring - Peggy Barry

By Senator Dyson; Representatives Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto,

Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P. Wilson, T. Wilson

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 Millett – from 11:30 a.m., February 25 to 10:00 p.m., February 27; and from noon, February 28 to 9:00 p.m., March 6

Representative Cissna – from 6:00 p.m., today to 7:00 p.m., February 24

Representative Doogan – from 5:00 p.m., March 1 to 10:00 p.m., March 6

Representative Kawasaki – from 8:00 a.m., February 25 to 8:00 a.m., February 28

Representative Feige – from 6:00 a.m., March 1 to 10:00 p.m., March 6

Representative Gara – from 7:00 p.m., February 25 to 10:30 a.m., February 28

Representative Gardner – from 11:30 a.m., February 25 to 10:00 p.m., February 27; and from 7:00 p.m., February 28 to 2:00 p.m., March 6

Representative Holmes – from 4:00 p.m., February 25 to 9:00 p.m., March 6

Representative Johnson – from 12:30 p.m., March 1 to 12:30 p.m., March 7

Representative Lynn – from 6:00 p.m., March 1 to midnight, March 7

Representative Neuman – from noon, March 1 to 10:30 a.m., March 7

Representative Saddler – from 5:00 p.m., March 1 to 8:00 a.m., March 8

Representative Tuck – from 6:30 a.m., February 25 to 10:30 a.m., February 28; and from 7:00 p.m., February 28 to 8:00 p.m., March 6

HB 169

The Speaker added a State Affairs Committee referral to precede the Judiciary Committee referral for the following:

HOUSE BILL NO. 169

"An Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date."

HB 169 was removed from the Judiciary Committee and referred to the State Affairs Committee.

The Speaker added a Finance Committee referral for the following Governor's appointments:

University of Alaska Board of Regents

Jyotsna "Jo" Heckman - Fairbanks

Appointed: 2/7/2011

Term Expires: 2/3/2019

Michael K. Powers - Fairbanks

Appointed: 2/7/2011

Term Expires: 2/3/2019

The appointments were also referred to the Education Committee (page 100).

The following Sense of the House was offered by Representatives Tuck, Holmes, Gardner, Dick, T. Wilson, Thompson, Keller, Costello, Pruitt, Joule, P. Wilson, Petersen, Feige, Kerttula, Stoltze, Kawasaki, Olson, Foster, Johansen, Gruenberg, Austerman, Doogan, Miller, Guttenberg, Millett, Gara, Thomas, Munoz, Hawker, Johnson, and Herron:

"Last weekend the long-time member of this body from District 22 chose respect. She stood up for her rights, her sense of decency, and

her prior commitments to herself at the Seattle airport by not submitting to an intrusive search of her body.

It is the Sense of the House that efficient travel is a cornerstone of the economy and our quality of life, especially in Alaska, and that no one should have to sacrifice their dignity in order to travel."

Representative Tuck moved that the Sense of the House be adopted.

The question being: "Shall the Sense of the House be adopted?" The roll was taken with the following result:

Sense of the House

Adopt

YEAS: 36 NAYS: 2 EXCUSED: 2 ABSENT: 0

Yeas: Austerman, Chenault, Costello, Dick, Doogan, Edgmon, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Nays: Lynn, Saddler

Excused: Cissna, Fairclough

And so, the Sense of the House was adopted.

HB 19

Representative Johnson added his name as cosponsor to:

HOUSE BILL NO. 19

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

HB 28

Representatives Tuck, Kerttula, Chenault, Lynn, Petersen, Millett, and Johnson added their names as cosponsors to:

CS FOR HOUSE BILL NO. 28(FIN)

"An Act relating to temporary courtesy licenses for certain nonresident professionals and to a temporary exemption from fees

and other licensing requirements for active duty members of the armed forces."

HB 65

Representatives Tuck, Gardner, Kawasaki, Millett, and Gara added their names as cosponsors to:

HOUSE BILL NO. 65

"An Act making regional Native housing authorities eligible to receive grants through the Alaska Housing Finance Corporation from the senior citizens housing development fund."

HB 80

Representative Johnson added his name as cosponsor to:

HOUSE BILL NO. 80

"An Act relating to self defense in any place where a person has a right to be."

SB 33

Representatives Herron, Holmes, Kerttula, Millett, Gardner, Tuck, Feige, and Johnson added their names as cross sponsors to:

CS FOR SENATE BILL NO. 33(STA)

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

ENGROSSMENT**HB 28**

CSHB 28(FIN) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 65

HB 65 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Austerman moved and asked unanimous consent that the House adjourn until 10:45 a.m., February 24, 2011, for a joint session. There being no objection, the House adjourned at 11:43 a.m.

Suzi Lowell
Chief Clerk