

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Friday

February 25, 2011

#### Thirty-ninth Day

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

Roll call showed 35 members present. Representatives Edgmon, Herron, Pruitt, and Tuck had been excused from a call of the House today. Representative Hawker was absent and his presence was noted later.

The invocation was offered by the Chaplain, the Reverend Dr. Paul Beran, Pastor Emeritus of Resurrection Lutheran Church. Representative P. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

I invite each of you to a time of silence, inner reflection, and prayer.

Gracious God, we bow before you seeking your guidance and help to enlarge our understanding. We each come from special backgrounds: family heritage, unique home, varied community, and life experience. You have planted in our hearts passionate interests exciting us and heavy concerns weighing us down. Thank you for the enriching fellowship we share as representatives of this far-flung frontier state. Give us diligence to listen without inner rebuttal as we seek to understand. Then grant us the courage to speak the truth in love as we see it.

This I pray in the name of the One who came not to be served, but to serve - Jesus the Christ. Amen.

The Pledge of Allegiance was led by Representative Johnson.

### **CERTIFICATION OF THE JOURNAL**

#### **HB 168**

The Chief Clerk corrected the journal for the 37<sup>th</sup> legislative day, page 321, under Introduction, First Reading, and Reference of House Bills for HB 168-INJUNCTION SECURITY: INDUSTRIAL OPERATION:

Delete "Keller"  
Insert "Thomas"

The sponsors are Representatives Feige, Chenault, Johnson, Thomas, and T. Wilson. The bill was reprinted February 24, 2011.

Representative Austerman moved and asked unanimous consent that the journal for the 37<sup>th</sup> and 38<sup>th</sup> legislative days and Senate and House Joint Journal Supplement No. 3 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

\* \* \* \* \*

Representative Johnson introduced Elijah Verhagen, House Page, from Nenana.

### **MESSAGES FROM THE GOVERNOR**

A letter dated February 23, 2011, was read stating that the Governor appointed PeggyAnn McConnochie to the Alaska Redistricting Board; therefore, her name is withdrawn from legislative confirmation of appointment to the Real Estate Commission. The Speaker had referred the appointment to the Labor & Commerce Committee (page 164).

### **MESSAGES FROM THE SENATE**

A message dated February 23, 2011, was read stating the Senate passed the following, and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE RESOLUTIONS****SCR 6**

SENATE CONCURRENT RESOLUTION NO. 6 by the Senate Rules Committee:

Authorizing a recess by the Senate for a period of more than three days, those days being March 2, 3, 4, 5, and 6 of 2011.

was read the first time and referred to the Rules Committee for placement on the calendar.

**REPORTS OF STANDING COMMITTEES**

The State Affairs Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Becky Hultberg

as Commissioner of the Department of Administration.

The report was signed by Representative Lynn, Chair; and Representatives Johansen, P. Wilson, Keller, and Seaton.

Daniel Morris

as a member of the Board of Parole.

Kelly Alzaharna  
Richard Burton  
Rebecca Hamon  
Mark Mew  
Bernice Troglia

as members of the Alaska Police Standards Council.

Kenneth Kirk

as a member of the Alaska Public Offices Commission.

The report was signed by Representative Lynn, Chair; and Representatives Johansen, Keller, Gruenberg, and Petersen.

**HJR 9**

The Resources Committee considered:

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.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 9(RES)

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; relating to oil and gas exploration, development, production, and royalties; and relating to renewable and alternative energy technologies.

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

Do pass (9): Gardner, Foster, Munoz, Dick, P. Wilson, Kawasaki, Herron, Seaton, Feige

The following fiscal note(s) apply to CSHJR 9(RES):

1. Zero, Legislative Agency

HJR 9 was referred to the Rules Committee for placement on the calendar.

**HB 7**

The Finance Committee considered:

**HOUSE BILL NO. 7**

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

and recommends it be replaced with:

**CS FOR HOUSE BILL NO. 7(JUD)**

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

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

Do pass (7): T. Wilson, Joule, Gara, Costello, Fairclough, Stoltze, Thomas

No recommendation (1): Doogan

Amend (1): Guttenberg

The following fiscal note(s) apply to CSHB 7(JUD):

4. Zero, House Finance Committee/Dept. of Public Safety
5. Zero, Dept. of Law
6. Indeterminate, Dept. of Corrections

HB 7 was referred to the Rules Committee for placement on the calendar.

**HB 19**

The Finance Committee considered:

**HOUSE BILL NO. 19**

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

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

Do pass (8): Fairclough, Gara, T. Wilson, Guttenberg, Neuman, Doogan, Stoltze, Thomas

No recommendation (1): Costello

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 19 was referred to the Rules Committee for placement on the calendar.

**HB 133**

The Judiciary Committee considered:

HOUSE BILL NO. 133

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

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

Do pass (5): Holmes, Thompson, Gruenberg, Lynn, Gatto

No recommendation (1): Keller

The following fiscal note(s) apply:

1. Zero, Dept. of Corrections
2. Zero, Office of the Governor
3. Fiscal, Dept. of Administration
4. Fiscal, Dept. of Administration
5. Fiscal, Alaska Court System
6. Fiscal, Alaska Court System
7. Fiscal, Dept. of Law
8. Fiscal, Dept. of Public Safety

HB 133 was referred to the Finance Committee.

**REPORTS OF SPECIAL COMMITTEES****HB 121**

The House Special Committee on Fisheries considered:

## HOUSE BILL NO. 121

"An Act establishing the commercial charter fisheries revolving loan fund, the mariculture revolving loan fund, and the Alaska microloan revolving loan fund and relating to those funds and loans from those funds; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 121(FSH)

"An Act relating to loans made to commercial fishermen under the Commercial Fishing Loan Act for product quality improvements and energy efficiency upgrades; establishing the commercial charter fisheries revolving loan fund, the mariculture revolving loan fund, and the Alaska microloan revolving loan fund and relating to those funds and loans from those funds; and providing for an effective date."

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

Do pass (4): Miller, Pruitt, Austerman, Thompson

No recommendation (1): Johnson

The following fiscal note(s) apply to CSHB 121(FSH):

2. Fiscal, Dept. of Commerce, Community, & Economic Development
3. Fiscal, Dept. of Commerce, Community, & Economic Development
4. Fiscal, Dept. of Commerce, Community, & Economic Development
5. Fiscal, Dept. of Commerce, Community, & Economic Development

HB 121 was referred to the Resources Committee.

**HB 144**

The House Special Committee on Fisheries considered:

## HOUSE BILL NO. 144

"An Act requiring the Department of Natural Resources annually to deliver to the legislature and the governor a report on fishing stream access."

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

Do pass (4): Miller, Kawasaki, Austerman, Thompson

No recommendation (2): Pruitt, Johnson

The following fiscal note(s) apply:

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

HB 144 was referred to the Resources Committee.

**INTRODUCTION OF CITATIONS**

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

Honoring - The Legacy of Charles Willis "Bill" Snedden  
By Senator Thomas

In Memoriam - Howard Verrue Elliott  
By Senator Hoffman; Representative Herron

\*\*The presence of Representative Hawker was noted.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 33**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 33 by  
Representatives GARA, THOMAS, HERRON, and GARDNER,  
entitled:



"An Act relating to the procedures and jurisdiction of the Department of Health and Social Services for the care of children who are in state custody; relating to court jurisdiction and findings pertaining to children who are in state custody; and modifying the licensing requirements for foster care."

was read the first time and referred to the Health & Social Services, Judiciary, and Finance Committees.

**HB 171**

HOUSE BILL NO. 171 by Representative Munoz by request, entitled:

"An Act relating to arrests without warrants by peace officers for certain misdemeanors."

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

**HB 172**

HOUSE BILL NO. 172 by Representatives Kerttula and Kawasaki, entitled:

"An Act relating to the use of bisphenol-A and certain other substances in baby food containers, infant formula containers, and children's products, including reusable food and beverage containers; adding an unlawful act to the state's unfair trade practices act; and providing for an effective date."

was read the first time and referred to the Health & Social Services and Labor & Commerce Committees.

**HB 173**

HOUSE BILL NO. 173 by the House Special Committee on Fisheries, entitled:

"An Act amending the termination date of the licensing of sport fishing operators and sport fishing guides; and providing for an effective date."

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

**HB 174**

HOUSE BILL NO. 174 by Representatives Feige, Pruitt, Costello, Dick, Thompson, Saddler, Chenault, Johnson, Munoz, Hawker, and T. Wilson, entitled:

"An Act relating to the period in which a permit authorizing activities in the state related to mineral resources, oil or gas, or transportation projects is valid when activities authorized by the permit have been stayed by a court or administrative order."

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

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 3**

The following was read the second time:

HOUSE BILL NO. 3

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

with the:

Journal Page

STA RPT CS(STA) 3DP 4NR	168
FN1: ZERO(ADM)	168
FIN RPT CS(STA) 7DP 4NR	315
FN1: ZERO(ADM)	315

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. 3(STA)  
(same title)

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 3(STA) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 3(STA) will advance to third reading on the February 28, 2011, calendar.

**HB 98**

The following was read the second time:

HOUSE BILL NO. 98

"An Act relating to display, folding, presentment, and retirement of the state flag."

with the:	Journal Page
STA RPT 5DP	288
FN1: ZERO(ADM)	288
FN2: ZERO(MVA)	288

Representative Austerman moved and asked unanimous consent that HB 98 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 98 was read the third time.

The question being: "Shall HB 98 pass the House?" The roll was taken with the following result:

HB 98  
Third Reading  
Final Passage

**YEAS: 35 NAYS: 0 EXCUSED: 4 ABSENT: 1**

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

Excused: Edgmon, Herron, Pruitt, Tuck

Absent: Cissna

And so, HB 98 passed the House and was referred to the Chief Clerk for engrossment.

### LEGISLATIVE CITATIONS

Representative Austerman 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 - Delta Junction Huskies Hockey Team, Greatland Conference Hockey Champions

By Representatives Feige, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, 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

Commemorating - The 50<sup>th</sup> Anniversary of the Peace Corps

By Representatives Thompson, Petersen, Chenault, Austerman, 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, Pruitt, Saddler, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson

In Memoriam - Deacon Ken Donohue 1939-2011

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

In Memoriam - Jennifer Brady-Morales

By Representatives P. Wilson, 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, 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 Chenault – from noon, March 25 to 9:30 p.m., March 28

Representative Kerttula – from 10:00 a.m., February 26 to 10:30 a.m., March 7

Representative Herron – from 11:00 a.m., March 1 to 5:00 p.m., March 4

Representative Thompson – from 7:30 p.m., March 2 to 10:15 a.m., March 7

Representative Foster – from 6:00 a.m., March 2 to 10:00 a.m., March 6

Representative Gatto – from 5:20 a.m., March 2 to 10:00 p.m., March 9

Representative Seaton – from 6:00 p.m., March 2 to 9:30 p.m., March 5

Representative Pruitt – from 6:00 a.m., March 2 to 11:00 a.m., March 7

Representative Kawasaki – from 8:00 a.m., March 2 to 8:00 a.m., March 7

**HB 124**

The Speaker removed the Labor & Commerce Committee referral for the following:

## HOUSE BILL NO. 124

"An Act requiring a person who commences a cause of action seeking to delay a project on state or private land to provide security equal to 10 percent of the value of the project to protect a person who is wrongfully delayed."

HB 124 was removed from the Labor & Commerce Committee and referred to the Judiciary Committee.

**HCR 5**

Representative Gruenberg added his name as cosponsor to:

## HOUSE CONCURRENT RESOLUTION NO. 5

Relating to prevention of disease and to vitamin D.

**HCR 6**

Representatives Munoz, Millett, Holmes, P. Wilson, Cissna, Gardner, and T. Wilson added their names as cosponsors to:

## HOUSE CONCURRENT RESOLUTION NO. 6

Proclaiming the month of April 2011 to be Sexual Assault Awareness Month.

**HCR 7**

Representative Fairclough added her name as cosponsor to:

## HOUSE CONCURRENT RESOLUTION NO. 7

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

**HB 3**

Representative Neuman added his name as cosponsor to:

## CS FOR HOUSE BILL NO. 3(STA)

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

**HB 7**

Representative Fairclough added her 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 98**

Representatives Costello, Chenault, Olson, Millett, Fairclough, Kerttula, Feige, Thomas, P. Wilson, and Kawasaki added their names as cosponsors to:

## HOUSE BILL NO. 98

"An Act relating to display, folding, presentment, and retirement of the state flag."

**HB 144**

Representative Thompson added his name as cosponsor to:

## HOUSE BILL NO. 144

"An Act requiring the Department of Natural Resources annually to deliver to the legislature and the governor a report on fishing stream access."

**HB 166**

Representatives Neuman and Thompson added their names as cosponsors to:

## HOUSE BILL NO. 166

"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."

**HB 168**

Representative Fairclough added her name as cosponsor to:

## HOUSE BILL NO. 168

"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."

#### **ENGROSSMENT**

##### **HB 98**

HB 98 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 11:00 a.m., February 28, 2011. There being no objection, the House adjourned at 11:41 a.m.

Suzi Lowell  
Chief Clerk