

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

February 28, 2011

#### Forty-second Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:02 a.m.

Roll call showed 36 members present. Representatives Edgmon, Holmes, and Kerttula had been excused from a call of the House today.

Representative Austerman moved and asked unanimous consent that Representative Johansen 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 Tari Stage-Harvey of Shepherd of the Valley 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.

Honoring the faith of those gathered here, I offer the following prayer.

We remember today the many gifts that we have been given. Today we mark the 35<sup>th</sup> anniversary of the first deposit into the permanent fund—an abundance that brings great responsibility. May we be wise and generous in how we use our gifts.

We remember today those who are struggling for freedom in Libya and Iran. May we stand with all those whose voices are silenced by violence.

We remember today those who are homeless and live in substandard housing. As the wind whips through town, open our hearts to those who are most vulnerable to the wicked cold.

We especially remember today those who are willing to serve their community in this legislature. May we as citizens express thanks for their time, their integrity, and their discerning wisdom. Living God, pour out upon them your spirit of love, grace, and peace. In you we pray. Amen.

The Pledge of Allegiance was led by Representative Cissna.

### **CERTIFICATION OF THE JOURNAL**

Representative Austerman moved and asked unanimous consent that the journal for the 39<sup>th</sup>, 40<sup>th</sup>, and 41<sup>st</sup> legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Munoz introduced Alanna Sharclane, Guest Page, from Juneau.

### **COMMUNICATIONS**

The following was received:

Dept. of Natural Resources  
Citizens' Advisory Commission on Federal Areas  
2010 Annual Report  
(as required by AS 41.37.220)

### **REPORTS OF STANDING COMMITTEES**

#### **HB 93**

The Education Committee considered:

## HOUSE BILL NO. 93

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

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 93(EDC)

(same title)

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

Do pass (3): Cissna, Seaton, Dick

Do not pass (1): Feige

Amend (1): P. Wilson

The following fiscal note(s) apply to CSHB 93(EDC):

1. Fiscal, Dept. of Education & Early Development

HB 93 was referred to the Finance Committee.

**HB 125**

The Labor & Commerce Committee considered:

## HOUSE BILL NO. 125

"An Act moving the Alcoholic Beverage Control Board to the Department of Commerce, Community, and Economic Development and relating to duties of that department; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 125(L&amp;C)

"An Act moving the Alcoholic Beverage Control Board to the Department of Commerce, Community, and Economic Development and relating to duties of that department; relating to the exercise of peace officer powers granted by the Alcoholic Beverage Control Board; and providing for an effective date."

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

Do pass (3): Thompson, Saddler, Olson

No recommendation (2): Holmes, Miller

The following fiscal note(s) apply to CSHB 125(L&C):

1. Fiscal, Dept. of Commerce, Community, & Economic Development
2. Fiscal, Dept. of Commerce, Community, & Economic Development
3. Fiscal, Dept. of Public Safety

HB 125 was referred to the Finance Committee.

### **HB 147**

The Labor & Commerce Committee considered:

#### HOUSE BILL NO. 147

"An Act setting a monthly salary for the executive secretary of the Board of Public Accountancy."

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

Do pass (5): Thompson, Saddler, Holmes, Miller, Olson

The following fiscal note(s) apply:

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

HB 147 was referred to the Finance Committee.

### **INTRODUCTION OF CITATIONS**

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

In Memoriam - Patrick Karl Lynn

By Representative Feige

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

**HB 175**

HOUSE BILL NO. 175 by the House Judiciary Committee, entitled:

"An Act relating to an appearance before a judicial officer after arrest; relating to penalties for operating a vehicle without possessing proof of motor vehicle liability insurance or a driver's license; relating to penalties for certain arson offenses; amending Rule 5(a)(1), Alaska Rules of Criminal Procedure, and Rule 43.10, Alaska Rules of Administration; and providing for an effective date."

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

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE BILLS**

**HB 7**

The following was read the second time:

HOUSE BILL NO. 7

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

with the:

Journal Page

JUD RPT CS(JUD) NT 6DP	250
FN1: ZERO(LAW)	251
FN2: INDETERMINATE(COR)	251
FN3: (DPS)	251
FIN RPT CS(JUD) NT 7DP 1NR 1AM	338
FN4: ZERO(H.FIN/DPS)	339
FN5: ZERO(LAW)	339
FN6: INDETERMINATE(COR)	339

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. 7(JUD)

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

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 7(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 7(JUD) was read the third time.

The question being: "Shall CSHB 7(JUD) pass the House?" The roll was taken with the following result:

CSHB 7(JUD)

Third Reading

Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0**

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

Excused: Edgmon, Holmes, Johansen, Kerttula

And so, CSHB 7(JUD) passed the House.

Representative Austerman moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 7(JUD) was referred to the Chief Clerk for engrossment.

\*\*Representative Millett, who was excused (page 326), left the Chamber.

### THIRD READING OF HOUSE BILLS

#### HB 3

The following, which was advanced to third reading from the February 25, 2011, calendar (page 345), was read the third time:

CS FOR HOUSE BILL NO. 3(STA)

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

Representative Gardner moved and asked unanimous consent that CSHB 3(STA) be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Gardner and Gruenberg:

Page 1, line 9:

Delete "may"

Insert "shall"

Representative Gardner moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Stoltze objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 3(STA)

Second Reading

Amendment No. 1

**YEAS: 10 NAYS: 24 EXCUSED: 5 ABSENT: 1**

Yeas: Cissna, Doogan, Gara, Gardner, Gruenberg, Guttenberg, Kawasaki, Miller, Petersen, Tuck

Nays: Austerman, Chenault, Costello, Dick, Fairclough, Feige, Foster, Gatto, Hawker, Herron, Johnson, Keller, Lynn, Munoz, Neuman, Olson, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, P.Wilson, T.Wilson

Excused: Edgmon, Holmes, Johansen, Kerttula, Millett

Absent: Joule

And so, Amendment No. 1 was not adopted.

The question being: "Shall CSHB 3(STA) pass the House?" The roll was taken with the following result:

CSHB 3(STA)

Third Reading

Final Passage

**YEAS: 32 NAYS: 2 EXCUSED: 5 ABSENT: 1**

Yeas: Austerman, Chenault, Cissna, Costello, Dick, Doogan, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Guttenberg, Hawker, Herron, Johnson, Kawasaki, Keller, Lynn, Miller, Munoz, Neuman, Olson, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Nays: Gruenberg, Petersen

Excused: Edgmon, Holmes, Johansen, Kerttula, Millett

Absent: Joule

And so, CSHB 3(STA) passed the House.

Representative Lynn gave notice of reconsideration of the vote on CSHB 3(STA).

### RECONSIDERATION

#### HB 3

Representative Lynn moved and asked unanimous consent that reconsideration of CSHB 3(STA) be taken up on the same day. There being no objection, it was so ordered.

CSHB 3(STA) was again before the House in third reading.



The question to be reconsidered: "Shall CSHB 3(STA) pass the House?" The roll was taken with the following result:

CSHB 3(STA)  
Third Reading  
Final Passage  
Reconsideration

**YEAS: 33 NAYS: 2 EXCUSED: 5 ABSENT: 0**

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

Nays: Cissna, Gruenberg

Excused: Edgmon, Holmes, Johansen, Kerttula, Millett

And so, CSHB 3(STA) passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

**CONSIDERATION OF THE DAILY CALENDAR**  
(continued)

**SECOND READING OF HOUSE RESOLUTIONS**

**HJR 9**

The following was read the second time:

**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.

with the:	Journal Page
RES RPT CS(RES) NT 9DP	338
FN1: ZERO(LEG)	338

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

**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.

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHJR 9(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 9(RES) was read the third time.

The question being: "Shall CSHJR 9(RES) pass the House?" The roll was taken with the following result:

CSHJR 9(RES)

Third Reading

Final Passage

**YEAS: 34 NAYS: 1 EXCUSED: 5 ABSENT: 0**

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

Nays: Cissna

Excused: Edgmon, Holmes, Johansen, Kerttula, Millett

And so, CSHJR 9(RES) passed the House and was referred to the Chief Clerk for engrossment.

**HCR 6**

The following was read the second time:

**HOUSE CONCURRENT RESOLUTION NO. 6**

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

The Rules Committee submitted the following fiscal note:

1. Zero, House Rules Committee

The question being: "Shall HCR 6 pass the House?" The roll was taken with the following result:

HCR 6

Second Reading

Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 5 ABSENT: 1**

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

Excused: Edgmon, Holmes, Johansen, Kerttula, Millett

Absent: Herron

And so, HCR 6 passed the House and was referred to the Chief Clerk for engrossment.

**SECOND READING OF SENATE RESOLUTIONS****SCR 6**

The following was read the second time:

**SENATE CONCURRENT RESOLUTION NO. 6**

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.

The question being: "Shall SCR 6 pass the House?" The roll was taken with the following result:

SCR 6

Second Reading

Final Passage

**YEAS: 32 NAYS: 0 EXCUSED: 5 ABSENT: 3**

Yeas: Austerman, Chenault, Cissna, Costello, Doogan, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Johnson, Joule, Kawasaki, Keller, Lynn, Miller, Munoz, Neuman, Olson, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P. Wilson, T. Wilson

Excused: Edgmon, Holmes, Johansen, Kerttula, Millett

Absent: Dick, Herron, Petersen

Hawker changed from "Nay" to "Yea".

And so, SCR 6 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 citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring - The Legacy of Charles Willis "Bill" Snedden

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

In Memoriam - Howard Verrue Elliott

By Senator Hoffman; Representatives Herron, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, 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 Olson – from 7:00 a.m., March 2 to 10:00 p.m., March 6

Representative Thomas – from 8:00 a.m., March 3 to 11:00 p.m., March 6

Representative Hawker – from 11:00 a.m., March 3 to 2:00 p.m., March 8

Representative T. Wilson – from 7:00 a.m., March 2 to 10:00 p.m., March 6

Representative Kawasaki – from 8:00 p.m., February 28 to 8:00 a.m., March 7 (amended from page 347)

Representative Munoz – from 7:00 a.m., March 3 to 7:00 p.m., March 6

Representative Austerman – from 1:00 p.m., March 1 to 11:00 p.m., March 6

Representative Joule – from noon, March 2 to 3:00 p.m., March 7

Representative Gara – from 7:00 p.m., March 4 to 10:30 a.m., March 7

Representative Chenault – from 11:30 a.m., March 2 to 10:00 p.m., March 7

Representative Doogan – from 5:00 p.m., March 11 to 10:00 p.m., March 13

Representative Chenault – withdrawal of excused absence from noon, March 25 to 9:30 p.m., March 28 (page 347)

Representative Fairclough – from 7:00 p.m., March 1 to 9:30 p.m., March 6

**HCR 6**

Representatives Austerman, Johansen, Johnson, Stoltze, Tuck, Herron, Olson, Lynn, Seaton, and Pruitt added their names as cosponsors to:

**HOUSE CONCURRENT RESOLUTION NO. 6**

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

**HJR 8**

Representative Austerman added his name as cosponsor 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**

Representatives Johansen, Millett, Feige, T. Wilson, Herron, Petersen, Saddler, Olson, Neuman, Tuck, Fairclough, Seaton, and Keller added their names as cosponsors to:

**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.

**HB 3**

Representatives Johansen and Feige added their names as cosponsors to:

CS FOR HOUSE BILL NO. 3(STA)

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

**HB 7**

Representatives Johansen, Johnson, Petersen, Doogan, Tuck, and P. Wilson added their names as cosponsors to:

CS FOR HOUSE BILL NO. 7(JUD)

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

**HB 98**

Representative Johansen added his name as cosponsor to:

HOUSE BILL NO. 98

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

**HB 144**

Representative Johnson 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**

Representative Joule added his name as cosponsor 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."

**ENGROSSMENT****HCR 6**

HCR 6 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HJR 9**

CSHJR 9(RES) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HB 3**

CSHB 3(STA) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HB 7**

CSHB 7(JUD) 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 10:30 a.m., March 3, 2011, for a technical session. There being no objection, the House adjourned at 12:54 p.m.

Suzi Lowell  
Chief Clerk