

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Tuesday

March 29, 2011

#### Seventy-first Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:36 a.m.

Roll call showed 37 members present. Representatives Cissna and Neuman 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 Kerttula be excused from a call of the House from 11:00 a.m., today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Father Pat Travers, Pastor of St. Paul the Apostle Catholic 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.

In deepest respect for the religious beliefs of each person here, I invite you to a time of prayer and reflection. Let us pray.

Almighty God, as our elected representatives gather this morning to consider the laws that should govern our state of Alaska, we ask that you grant them the wisdom and strength to carry out their great responsibilities. Help our lawmakers to follow the example of you, the supreme lawmaker, in enacting laws that are just and that foster the common good of all Alaskans. Grant each of them the patience, good will, and generosity that are so necessary in the lawmaking process. Bless also their family members and loved ones, who so generously share in their service to our people.

We ask your blessings upon all the government leaders of our state and nation and of our local communities. Help them to exercise their authority in a spirit of service to those they have been chosen to govern. Bless also all of the men and women in our armed forces, all police officers, firefighters, and other first responders, especially those who find themselves in harm's way today. May they and their families always enjoy your strength and protection.

We ask your blessings also on all the people of our state. Grant us happiness and prosperity, and inspire us to use the many gifts you have given us to build a better society and a better world. May we work always for peace and justice here in our great land and throughout the world, especially for those peoples who have experienced war, violence, terror, and natural disasters. May our solidarity with them affirm our common humanity in a world in which we depend so much on one another. We make this prayer in your holy name. Amen.

The Pledge of Allegiance was led by Representative Petersen.

#### **CERTIFICATION OF THE JOURNAL**

Representative Austerman moved and asked unanimous consent that the journal for the 70<sup>th</sup> legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

#### **MESSAGES FROM THE SENATE**

A message dated March 28, 2011, was read stating the Senate accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., April 8 to consider confirmation of the Governor's appointments.

#### **REPORTS OF STANDING COMMITTEES**

##### **HB 146**

The Resources Committee considered:

## HOUSE BILL NO. 146

"An Act authorizing the transfer of land from the State of Alaska and the Alaska Railroad Corporation to property owners along the Eielson Spur Line; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 146(RES)  
(same title)

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

Do pass (8): Gardner, Foster, Munoz, P. Wilson, Herron, Dick, Feige, Seaton

The following fiscal note(s) apply to CSHB 146(RES):

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Indeterminate, Dept. of Natural Resources

HB 146 was referred to the Finance Committee.

**HB 169**

The Judiciary Committee considered:

## HOUSE BILL NO. 169

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

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

Do pass (3): Lynn, Keller, Gatto

No recommendation (2): Holmes, Pruitt

The following fiscal note(s) apply:

1. Zero, Legislative Agency

HB 169 was referred to the Rules Committee for placement on the calendar.

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

**HB 185**

The Resources Committee considered:

HOUSE BILL NO. 185

"An Act relating to an exemption from authorizations that may be required by the Department of Environmental Conservation for the firing or other use of munitions on active ranges."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 185(RES)  
(same title)

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

Do pass (7): Foster, Munoz, P. Wilson, Herron, Dick, Feige, Seaton

No recommendation (1): Gardner

The following fiscal note(s) apply to CSHB 185(RES):

1. Zero, Dept. of Environmental Conservation

HB 185 was referred to the Rules Committee for placement on the calendar.

**HB 204**

The State Affairs Committee considered:

HOUSE BILL NO. 204

"An Act relating to the State Procurement Code, including the use of small procurement provisions for certain amounts of leased

space, the requirement of Alaska business license proof for Alaska bidder and other procurement preferences, the registration of construction contract bidders and offerors, the establishment and maintenance of lists of persons who want to provide supplies or services to the state, state agencies, and state instrumentalities, electronic bids and proposals, small procurements, and writings; and providing for an effective date."

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

Do pass (6): Petersen, Seaton, Gruenberg, Keller, P. Wilson, Lynn

No recommendation (1): Johansen

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 204 was referred to the Finance Committee.

### **HB 205**

The State Affairs Committee considered:

#### HOUSE BILL NO. 205

"An Act relating to state and public entity procurement, including the State Procurement Code, procurement preferences, and contract awards; relating to the meaning of 'Alaska bidder'; and providing for an effective date."

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

Do pass (6): Petersen, Seaton, Gruenberg, Keller, P. Wilson, Lynn

No recommendation (1): Johansen

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 205 was referred to the Finance Committee.

**SB 61**

The Judiciary Committee considered:

CS FOR SENATE BILL NO. 61(STA)

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

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

Do pass (5): Pruitt, Holmes, Keller, Lynn, Gatto

The following fiscal note(s) apply:

1. Zero, Dept. of Law

CSSB 61(STA) was referred to the Rules Committee for placement on the calendar.

**INTRODUCTION OF CITATIONS**

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

Honoring – Coach Jeannie Herbert-Truax and the Wasilla Lady Warriors Basketball Team

By Representatives Keller, Stoltze, Gatto, Neuman, Feige; Senator Menard

Honoring – Dr. Syun-Ichi Akasofu, 2011 Hannes Alfvén Medal Recipient

By Representative Miller

Honoring – FIRST Tech Challenge Tournament State Champions  
By Senators Paskvan, Wielechowski

Honoring – St. Elias Brewing Company, 2011 Award Winning  
"Moose Juice" Barley Wine  
By Senator Wagoner; Representatives Chenault, Olson

Honoring – Mt. Edgecumbe High School Boys Basketball Team, 2011  
3A Region V Champions  
By Senator Stedman

In Memoriam – Alice S. Mendola  
By Representative Herron; Senator Hoffman

In Memoriam – John Bennett  
By Representative Tuck; Senator Meyer

In Memoriam – Nicolai S. Mercurief  
By Representative Edgmon; Senator Hoffman

In Memoriam – Lois Ilena Harter  
By Senator Huggins; Representative Stoltze

#### **INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS**

##### **HR 7**

HOUSE RESOLUTION NO. 7 by the House Rules Committee:

Establishing a House Special Committee on Fiscal Policy.

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

##### **HCR 11**

HOUSE CONCURRENT RESOLUTION NO. 11 by Representative  
Kerttula:

Creating the Taku River Task Force as a joint legislative task  
force.

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

**HJR 25**

HOUSE JOINT RESOLUTION NO. 25 by Representative Millett:

Urging the United States Congress and the federal Administration to pursue energy development in the United States to create hundreds of thousands of new American jobs, reduce the nation's dependence on foreign oil, provide domestic economic development, and improve our economic and national security.

was read the first time and referred to the House Special Committee on Energy and the Labor & Commerce Committee.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 211**

HOUSE BILL NO. 211 by Representative P. Wilson, entitled:

"An Act prohibiting a health care insurer from denying coverage for an additional quantity of eye drops prescribed by a physician."

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

**HB 212**

HOUSE BILL NO. 212 by Representative Millett by request, entitled:

"An Act relating to requirements for persons holding provisional drivers' licenses."

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

**HB 213**

HOUSE BILL NO. 213 by Representative Fairclough, entitled:



"An Act naming the pathway parallel to the section of Eagle River Loop Road connecting Old Glenn Highway with North Parkview Terrace Loop the Mark Hufford Trail."

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

**HB 214**

HOUSE BILL NO. 214 by Representatives Johansen, Kerttula, and Munoz, entitled:

"An Act naming the Ketchikan ferry terminal the Walter L. Kubley Ferry Terminal."

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

**HB 215**

HOUSE BILL NO. 215 by Representatives Chenault, Neuman, Fairclough, Johnson, Hawker, Olson, Feige, and Millett, entitled:

"An Act relating to the judicial review of a right-of-way lease or the development or construction of an oil or gas pipeline on state land."

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

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE BILLS**

**HB 18**

The following was read the second time:

HOUSE BILL NO. 18

"An Act establishing Alaska Public Garden Day on the Saturday immediately preceding Memorial Day each year."

with the:

Journal Page

STA RPT CS(STA) NT 6DP 1AM	402
FN1: ZERO(ADM)	402
FN2: ZERO(LEG)	402

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. 18(STA)

"An Act establishing Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Johansen and Kerttula:

Page 1, line 8, following "environmental stewardship,":

Insert "the economy, a healthy food supply,"

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

Representative Millett objected and withdrew the objection. There being no further objection, Amendment No. 1 was adopted.

Representative Austerman moved and asked unanimous consent that CSHB 18(STA) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 18(STA) am was read the third time.

The question being: "Shall CSHB 18(STA) am pass the House?" The roll was taken with the following result:

CSHB 18(STA) am

Third Reading

Final Passage

**YEAS: 37 NAYS: 1 EXCUSED: 2 ABSENT: 0**

Yeas: Austerman, Chenault, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki,

Keller, Kerttula, Lynn, Miller, Millett, Munoz, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Nays: Hawker

Excused: Cissna, Neuman

And so, CSHB 18(STA) am passed the House and was referred to the Chief Clerk for engrossment.

**HB 155**

The following was read the second time:

HOUSE BILL NO. 155

"An Act relating to public construction contracts."

with the:

Journal Page

L&C RPT CS(L&C) NT 1DP 5NR

547

FN1: ZERO(LWF)

548

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. 155(L&C)

"An Act relating to the applicability of prevailing wage rates to public construction contracts; and, with regard to public construction contracts, relating to notifications, bonding notifications, filings, notices, primary contractors, final payments, penalties, advertised specifications, required contract provisions, terminations, lists of violating contractors, and remedies."

There being no objection, it was so ordered.

\*\*Representative Kerttula, who was excused (page 613), left the Chamber.

Representative Austerman moved and asked unanimous consent that CSHB 155(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 155(L&C) was read the third time.

The question being: "Shall CSHB 155(L&C) pass the House?" The roll was taken with the following result:

CSHB 155(L&C)

Third Reading

Final Passage

**YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0**

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

Excused: Cissna, Kerttula, Neuman

And so, CSHB 155(L&C) passed the House and was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would revert to:

#### **REPORTS OF STANDING COMMITTEES**

##### **HB 101**

The State Affairs Committee considered:

HOUSE BILL NO. 101

"An Act establishing November 18 of each year as Ted Stevens Day."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 101(STA)

"An Act establishing the fourth Saturday of July each year as Ted Stevens Day."

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

Do pass (7): Petersen, Seaton, Gruenberg, Keller, P. Wilson, Johansen, Lynn

The following fiscal note(s) apply to CSHB 101(STA):

1. Zero, Legislative Agency

HB 101 was referred to the Rules Committee for placement on the calendar.

The House advanced to:

### **CONSIDERATION OF THE DAILY CALENDAR**

(continued)

### **SECOND READING OF HOUSE RESOLUTIONS**

#### **HCR 7**

The following was read the second time:

#### HOUSE CONCURRENT RESOLUTION NO. 7

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

with the:

Journal Page

MLV RPT 4DP

446

FN1: ZERO(LEG)

446

The question being: "Shall HCR 7 pass the House?" The roll was taken with the following result:

HCR 7

Second Reading

Final Passage

**YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1**

Yeas: Austerman, Chenault, Costello, Dick, Doogan, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Lynn,

Miller, Millett, Munoz, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P. Wilson, T. Wilson

Excused: Cissna, Kerttula, Neuman

Absent: Edgmon

And so, HCR 7 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 – The First-Ever All-American Women's Yukon River Quest Team

By Senator French; 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

In Memoriam – Robert Godfrey Schachle

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

In Memoriam – Pier Hale

By Senator Wielechowski; Representatives Gruenberg, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto, 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 member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Gatto – from 5:30 p.m., April 1 to 10:00 p.m., April 4

**HCR 7**

Representatives Costello, Johnson, Petersen, Chenault, Guttenberg, Millett, and Pruitt added their names as cosponsors to:

**HOUSE CONCURRENT RESOLUTION NO. 7**

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

**HB 18**

Representatives Guttenberg, Holmes, and Tuck added their names as cosponsors to:

**CS FOR HOUSE BILL NO 18(STA) am**

"An Act establishing Alaska Public Gardens Day on the Saturday immediately preceding Memorial Day each year."

**HB 62**

Representatives Johnson, Pruitt, and Feige added their names as cosponsors to:

**HOUSE BILL NO. 62**

"An Act relating to excluding motorcycles and motor-driven cycles from the passenger vehicle rental tax."

**HB 72**

Representative Gara added his name as cosponsor to:

**HOUSE BILL NO. 72**

"An Act authorizing and relating to certain causes of action for relief for direct or indirect injuries sustained as a result of antitrust violations; repealing the provision limiting to the attorney general

the recovery of monetary relief for injury directly or indirectly sustained as a result of an antitrust violation; and relating to criminal and civil penalties for antitrust violations."

**HB 87**

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 87

"An Act relating to penalties for antitrust violations."

**HB 141**

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 141

"An Act relating to loans for the purchase of fishing quota shares by certain community quota entities; and providing for an effective date."

**HB 181**

Representative Edgmon added his name as cosponsor to:

HOUSE BILL NO. 181

"An Act requiring the Department of Fish and Game annually to collect confidential information related to days worked by commercial fishing crewmembers and to compile statistical data."

**HB 204**

Representative P. Wilson added her name as cosponsor to:

HOUSE BILL NO. 204

"An Act relating to the State Procurement Code, including the use of small procurement provisions for certain amounts of leased space, the requirement of Alaska business license proof for Alaska bidder and other procurement preferences, the registration of construction contract bidders and offerors, the establishment and maintenance of lists of persons who want to provide supplies or services to the state, state agencies, and state instrumentalities, electronic bids and proposals, small procurements, and writings; and providing for an effective date."



**HB 205**

Representative P. Wilson added her name as cosponsor to:

## HOUSE BILL NO. 205

"An Act relating to state and public entity procurement, including the State Procurement Code, procurement preferences, and contract awards; relating to the meaning of 'Alaska bidder'; and providing for an effective date."

**SB 3**

Representative Munoz added her name as cross sponsor to:

## CS FOR SENATE BILL NO. 3(FIN)

"An Act providing for funding for school lunch and breakfast; and providing for an effective date."

**SPECIAL ORDER OF BUSINESS**

Representative Thompson announced the birth of his son, Max Andrew Thompson, who was born March 26, 2011.

**ENGROSSMENT****HCR 7**

HCR 7 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HB 18**

CSHB 18(STA) am was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HB 155**

CSHB 155(L&C) 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 30, 2011. There being no objection, the House adjourned at 11:34 a.m.

Suzi Lowell  
Chief Clerk