

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

March 30, 2011

Seventy-second Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:35 a.m.

Roll call showed 36 members present. Representatives Cissna and Neuman had been excused from a call of the House today. Representatives Hawker and Joule were absent and their presence was noted later.

The invocation was offered by the Chaplain, Father Simeon Johnson of St. Nicholas Russian Orthodox 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.

Monday I mentioned that the summation of Orthodox spirituality was to acquire the spirit of peace. Today I will share some practical advice from St. Simeon the New Theologian (949–1022 A.D.), one of the Orthodox Church's greatest mystics:

In relation to God it is your duty to keep your conscience clear In relation to other people, you will keep your conscience clear if you refrain from doing to them anything [that] you yourself hate or dislike being done to you In brief, do everything as though in the presence of God and so, in whatever you do, you need never allow your conscience to wound and denounce you for not having done your work well.

And now, on behalf of the Orthodox Christians in Alaska, I offer this prayer, extracted from the service for opening of a Church council:

O Lord Jesus Christ, who was crucified for us and rose on the third day, look down upon those who have assembled here; give them the spirit of wisdom and understanding, protect them from every temptation, disturbance, and division, so that, bound together with the union of love of Thee, and of one another, they may accomplish without hindrance their labors in Thy service for this state and this nation. For Thou art a good God and lovest mankind, and unto Thee we ascribe glory: to the Father, and to the Son, and to the Holy Spirit, now and ever and unto ages of ages. Amen.

The Pledge of Allegiance was led by Representative Pruitt.

CERTIFICATION OF THE JOURNAL

Representative Austerman moved and asked unanimous consent that the journal for the 71st legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

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

State of Alaska, Single Audit for the
Fiscal Year Ended June 30, 2010

REPORTS OF STANDING COMMITTEES

HB 57

The Transportation Committee considered:

HOUSE BILL NO. 57

"An Act authorizing municipalities and nonprofit organizations to sponsor a program to encourage the safe use of bicycles as a mode

of transportation, and amending the duties of the Department of Transportation and Public Facilities to include administration of state funds appropriated for that purpose."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 57(TRA)

"An Act authorizing municipalities and nonprofit organizations to sponsor a program to encourage the safe use of bicycles as a mode of transportation and to educate the public regarding the safe use of bicycles, and amending the duties of the Department of Transportation and Public Facilities to include administration of state funds appropriated for those purposes."

The report was signed by Representative P. Wilson, Chair, with the following individual recommendations:

Do pass (2): Petersen, Gruenberg

No recommendation (4): Johnson, Feige, Pruitt, P. Wilson

The following fiscal note(s) apply to CSHB 57(TRA):

1. Fiscal, Dept. of Transportation & Public Facilities

HB 57 was referred to the Finance Committee.

HB 62

The Transportation Committee considered:

HOUSE BILL NO. 62

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 62(TRA)

"An Act relating to excluding motorcycles and motor-driven cycles from the passenger vehicle rental tax; and providing for an effective date."

The report was signed by Representative P. Wilson, Chair, with the following individual recommendations:

Do pass (6): Johnson, Feige, Pruitt, Petersen, Gruenberg, P. Wilson

The following fiscal note(s) apply to CSHB 62(TRA):

1. Fiscal, Dept. of Revenue

HB 62 was referred to the Finance Committee.

HB 110

The Finance Committee considered:

HOUSE BILL NO. 110

"An Act relating to the interest rate applicable to certain amounts due for fees, taxes, and payments made and property delivered to the Department of Revenue; relating to the oil and gas production tax rate; relating to monthly installment payments of estimated oil and gas production tax; relating to oil and gas production tax credits for certain expenditures, including qualified capital credits for exploration, development, and production; relating to the limitation on assessment of oil and gas production taxes; relating to the determination of oil and gas production tax values; making conforming amendments; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 110(FIN)

"An Act relating to the interest rate applicable to certain amounts due for fees, taxes, and payments made and property delivered to the Department of Revenue; relating to the oil and gas production tax rate; relating to monthly installment payments of the oil and gas production tax; relating to oil and gas production tax credits, including qualified capital credits for exploration, development, and production; relating to certain additional nontransferable oil and gas production tax credits; relating to the disclosure of certain tax information; making conforming amendments; and providing for an effective date."

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

Do pass (6): T. Wilson, Fairclough, Hawker, Costello, Stoltze, Thomas

Do not pass (3): Guttenberg, Gara, Doogan

No recommendation (2): Joule, Edgmon

The following fiscal note(s) apply to CSHB 110(FIN):

3. Zero, Dept. of Labor & Workforce Development
4. Zero, Dept. of Natural Resources
5. Fiscal, Dept. of Revenue

HB 110 is on today's calendar.

HB 178

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 178

"An Act relating to election practices and procedures; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 178(CRA)
(same title)

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

Do pass (5): Austerman, Dick, Saddler, Foster, Munoz

The following fiscal note(s) apply to CSHB 178(CRA):

1. Indeterminate, Office of the Governor

HB 178 was referred to the State Affairs Committee.

HB 196

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 196

"An Act relating to the power project fund and to the bulk fuel revolving loan fund; establishing a bulk fuel loan account and making the bulk fuel loan account and the bulk fuel bridge loan account separate accounts in the bulk fuel revolving loan fund; providing for technical assistance to rural borrowers under the bulk fuel bridge loan program; relating to the administration and investment of the bulk fuel revolving loan fund by the division in the Department of Commerce, Community, and Economic Development responsible for community and regional affairs; and providing for an effective date."

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

Do pass (2): Foster, Gardner

No recommendation (4): Dick, Austerman, Saddler, Munoz

The following fiscal note(s) apply:

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

HB 196 was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES

The House Special Committee on Fisheries reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

William S. Brown
Susan Jeffrey
John E. Jensen

as members of the Board of Fisheries.

The report was signed by Representative Thompson, Chair; and Representatives Miller, Herron, Pruitt, Johnson, Kawasaki, and Austerman.

HB 197

The House Special Committee on Energy considered:

HOUSE BILL NO. 197

"An Act recognizing the Alaska Housing Finance Corporation as the authorizing agency to approve home energy rating systems for the state; and providing for an effective date."

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

Do pass (3): Saddler, Lynn, Pruitt

No recommendation (3): Tuck, Petersen, Foster

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 197 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 – Dr. Jerry and Carol Prevo's 40 Years of Service
By Representative Pruitt; Senator Davis

Honoring – Bartlett High School Boys Basketball Team, 2011 4A
Alaska State Champions
By Representative Pruitt; Senator Wielechowski

Honoring – William J. Haller
By Senator Huggins; Representative Neuman

In Memoriam – Mark Allen Hufford
By Representative Fairclough; Senator Dyson

In Memoriam – Gordon Clodfelter
By Representative Austerman; Senator Stevens

In Memoriam – Sandra McGarry
By Representative Austerman; Senator Stevens

In Memoriam – Elaine Damm
By Representative Austerman; Senator Stevens

In Memoriam – Jean Francois Franquelin
By Representative Austerman; Senator Stevens

In Memoriam – Ronald Arthur "Ronnie" Fadaoff
By Representative Austerman; Senator Stevens

In Memoriam – Reverend Richard K. Heacock Jr.
By Representative Kawasaki

In Memoriam – Rickarla "Ricki" Chagnon
By Representative Kawasaki

In Memoriam – Melbourne "Mel" Alvin Booth
By Senator Kookesh; Representative Thomas

In Memoriam – Emma M. "Pat" Cook
By Senator Paskvan; Representative Kawasaki

The following citation was introduced and taken up later as a Special Order of Business:

Honoring – Parrish West, 2010-2011 Division II Ron Lenz National Player of the Year
By Representative Guttenberg; Senator Thomas

**The presence of Representatives Joule and Hawker was noted.

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

HB 216

HOUSE BILL NO. 216 by Representative P. Wilson, entitled:

"An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 101

The following was read the second time:

HOUSE BILL NO. 101

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

with the:

Journal Page

STA RPT CS(STA) NT 7DP
FN1: ZERO(LEG)

624
625

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. 101(STA)

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

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 101(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 101(STA) was read the third time.

The question being: "Shall CSHB 101(STA) pass the House?" The roll was taken with the following result:

CSHB 101(STA)

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 2 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, Kerttula, Lynn, Miller, Millett, Munoz, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Cissna, Neuman

And so, CSHB 101(STA) passed the House and was referred to the Chief Clerk for engrossment.

HB 110

The following was read the second time:

HOUSE BILL NO. 110

"An Act relating to the interest rate applicable to certain amounts due for fees, taxes, and payments made and property delivered to the Department of Revenue; relating to the oil and gas production tax rate; relating to monthly installment payments of estimated oil and gas production tax; relating to oil and gas production tax credits for certain expenditures, including qualified capital credits for exploration, development, and production; relating to the limitation on assessment of oil and gas production taxes; relating to the determination of oil and gas production tax values; making conforming amendments; and providing for an effective date."

with the:

Journal Page

| | |
|-------------------------------------|-----|
| RES RPT CS(RES) NT 1DP 2DNP 4NR 2AM | 389 |
| FN1: (REV) | 390 |
| FN2: ZERO(DNR) | 390 |
| FIN RPT CS(FIN) NT 6DP 3DNP 2NR | 636 |
| FN3: ZERO(LWF) | 637 |
| FN4: ZERO(DNR) | 637 |
| FN5: (REV) | 637 |

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. 110(FIN)

"An Act relating to the interest rate applicable to certain amounts due for fees, taxes, and payments made and property delivered to the Department of Revenue; relating to the oil and gas production tax rate; relating to monthly installment payments of the oil and gas production tax; relating to oil and gas production tax credits, including qualified capital credits for exploration, development, and production; relating to certain additional nontransferable oil and gas production tax credits; relating to the disclosure of certain tax information; making conforming amendments; and providing for an effective date."

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 110(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 110(FIN) will advance to third reading on tomorrow's calendar.

HB 188

The following was read the second time:

HOUSE BILL NO. 188

"An Act relating to the interest that may be charged by express agreement."

| | |
|----------------|--------------|
| with the: | Journal Page |
| L&C RPT 6DP | 558 |
| FN1: ZERO(CED) | 558 |

Representative Austerman moved and asked unanimous consent that HB 188 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 188 was read the third time.

The question being: "Shall HB 188 pass the House?" The roll was taken with the following result:

HB 188

Third Reading

Final Passage

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

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

Excused: Cissna, Neuman

Absent: Joule

And so, HB 188 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 – Coach Jeannie Herbert-Truax and the Wasilla Lady Warriors Basketball Team

By Representatives Keller, Stoltze, Gatto, Neuman, Feige, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, 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; Senator Menard

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

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

Honoring – FIRST Tech Challenge Tournament State Champions

By Senators Paskvan, Wielechowski; 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

Honoring – St. Elias Brewing Company, 2011 Award Winning "Moose Juice" Barley Wine

By Senator Wagoner; Representatives Chenault, Olson, 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, Petersen, Pruitt, Saddler, Seaton, Thomas, Thompson, Tuck, P. Wilson, T. Wilson

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

By Senator Stedman; 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 – Alice S. Mendola

By Representatives Herron, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, 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; Senator Hoffman

In Memoriam – John Bennett

By Representatives Tuck, 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, P. Wilson, T. Wilson; Senator Meyer

In Memoriam – Nicolai S. Merculief

By Representatives Edgmon, Chenault, Cissna, Costello, Dick, Doogan, 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; Senator Hoffman

In Memoriam – Lois Ilena Harter

By Senator Huggins; Representatives Stoltze, 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, 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 Johansen – from 11:45 a.m., March 31 to 6:00 a.m., April 1

Representative Millett – from 6:00 a.m., April 1 to 11:00 a.m., April 2

HB 178

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 178

"An Act relating to election practices and procedures; and providing for an effective date."

HB 178 is in the State Affairs Committee.

SPECIAL ORDER OF BUSINESS

Representative Austerman moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Parrish West, 2010-2011 Division II Ron Lenz National Player of the Year, be taken up as a Special Order of Business. There being no objection, it was so ordered.

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

Honoring – Parrish West, 2010-2011 Division II Ron Lenz National Player of the Year

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

UNFINISHED BUSINESS**HB 10**

Representative Fairclough added her name as cosponsor to:

HOUSE BILL NO. 10

"An Act relating to the registration fee for noncommercial trailers and to the motor vehicle tax for trailers."

HB 182

Representative P. Wilson added her name as cosponsor to:

HOUSE BILL NO. 182

"An Act relating to distribution of annual reports by state agencies."

ENGROSSMENT**HB 101**

CSHB 101(STA) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 188

HB 188 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 31, 2011. There being no objection, the House adjourned at 12:07 p.m.

Suzi Lowell
Chief Clerk