

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

April 4, 2011

#### Seventy-seventh Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:07 a.m.

Roll call showed 36 members present. Representatives Cissna and Gatto had been excused from a call of the House today. Representative Lynn was absent and later excused.

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 Neuman – from today to 10:30 a.m., April 11 (amended from page 597)

Representative Lynn – from 11:30 a.m., today

The invocation was offered by the Chaplain, Mickey Pico of Congregation Sukkat Shalom. Representative Gruenberg moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With utmost respect for the religion of all Alaskans and appreciation for the diversity of the land and its people, I am honored to lead you in prayer.

Great power brings great responsibility. Eternal, guide this body in their deliberations so that all Alaskans and their descendants will be grateful and benefit from the decisions

made here today. Please, O Eternal One, bless our world with peace and help bring an end to hunger and suffering for all. Amen.

The Pledge of Allegiance was led by Representative Seaton.

### **CERTIFICATION OF THE JOURNAL**

Representative Austerman moved and asked unanimous consent that the journal for the 74<sup>th</sup>, 75<sup>th</sup>, and 76<sup>th</sup> legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE SENATE**

#### **HB 108**

A message received at 3:16 p.m., April 1, 2011, was read stating the Senate passed CSHB 108(FIN) with the following amendment, and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 108(FIN) am S  
"An Act making appropriations for the operating and loan program expenses of state government and for certain programs, capitalizing funds, amending appropriations, and making reappropriations; and providing for an effective date."

CSHB 108(FIN) is under Unfinished Business.

#### **HB 109**

A message received at 3:16 p.m., April 1, 2011, was read stating the Senate passed CSHB 109(FIN) with the following amendment, and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 109(FIN)  
"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

CSHB 109(FIN) is under Unfinished Business.

A message dated April 1, 2011, was read stating the Senate passed the following, and they are transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS**

**SB 8**

SENATE BILL NO. 8 by Senator Davis, entitled:

"An Act relating to questionnaires and surveys administered in the public schools."

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

**SB 97**

CS FOR SENATE BILL NO. 97(FIN) by the Senate Finance Committee, entitled:

"An Act authorizing additional appropriations for public education and for community revenue sharing based on the price of Alaska North Slope crude oil, and adjusting the formula for payments to communities; and providing for an effective date."

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

**COMMUNICATIONS**

The following was received:

Advisory Task Force on  
Higher Education & Career Readiness  
Final Report  
April 2011  
(as required by Chapter No. 14, SLA 2010)

**REPORTS OF STANDING COMMITTEES**

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

Nathan Turner

as a member of the Board of Game.

The report was signed by Representatives Feige and Seaton, Co-chairs; and Representatives Gardner, Munoz, P. Wilson, Dick, and Kawasaki.

**HB 88**

The Judiciary Committee considered:

HOUSE BILL NO. 88

"An Act prohibiting a court, arbitrator, mediator, administrative agency, or enforcement authority from applying a law, rule, or provision of an agreement that violates an individual's right under the Constitution of the State of Alaska or the United States Constitution."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 88(JUD)  
(same title)

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

Do pass (4): Thompson, Keller, Lynn, Gatto

Do not pass (2): Holmes, Gruenberg

No recommendation (1): Pruitt

The following fiscal note(s) apply to CSHB 88(JUD):

1. Indeterminate, Dept. of Law

HB 88 was referred to the Finance Committee.

**HB 127**

The Finance Committee considered:

## HOUSE BILL NO. 127

"An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, distribution of indecent material to minors, and misconduct involving confidential information; relating to probation; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 127(FIN)

"An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, and misconduct involving confidential information; relating to probation; relating to the subpoena power of the attorney general in cases involving use of an Internet service account; 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."

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

Do pass (7): Fairclough, T. Wilson, Hawker, Costello, Edgmon, Stoltze, Thomas

The following fiscal note(s) apply to CSHB 127(FIN):

1. Zero, Dept. of Public Safety
2. Zero, Dept. of Law
3. Indeterminate, Dept. of Administration
4. Indeterminate, Dept. of Corrections
5. Zero, Dept. of Health & Social Services
6. Indeterminate, Dept. of Administration

HB 127 was referred to the Rules Committee for placement on the calendar.

**HB 144**

The Resources Committee 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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 144(RES)  
(same title)

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

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

The following fiscal note(s) apply to CSHB 144(RES):

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

HB 144 was referred to the Rules Committee for placement on the calendar.

**HB 179**

The Judiciary Committee considered:

HOUSE BILL NO. 179

"An Act relating to cruelty to animals and making failure to care for five or more animals in a single continuous episode a class C felony."

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

Do pass (4): Lynn, Gruenberg, Holmes, Gatto

No recommendation (3): Keller, Thompson, Pruitt

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Administration
2. Indeterminate, Dept. of Administration
3. Indeterminate, Dept. of Corrections
4. Indeterminate, Dept. of Law

HB 179 was referred to the Finance Committee.

**HB 198**

The Education Committee considered:

HOUSE BILL NO. 198

"An Act relating to the special education service agency."

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

Do pass (3): Seaton, Kawasaki, Dick

No recommendation (2): Pruitt, Feige

The following fiscal note(s) apply:

1. Fiscal, Dept. of Education & Early Development

HB 198 was referred to the Finance Committee.

**HB 203**

The Finance Committee considered:

HOUSE BILL NO. 203

"An Act establishing and relating to the in-state gas pipeline fund; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 203(FIN)

"An Act relating to the Alaska Gasline Development Corporation and establishing and relating to the in-state gas pipeline fund; and providing for an effective date."

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

Do pass (9): Fairclough, Guttenberg, T. Wilson, Joule, Hawker, Costello, Edgmon, Stoltze, Thomas

No recommendation (1): Gara

The following fiscal note(s) apply to CSHB 203(FIN):

1. Zero, Dept. of Revenue

HB 203 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 – Heidi Haas, First Lady's Volunteer of the Year Award  
By Representative Thompson

Honoring – Wasillie Pleasant & Jacob M.P. Tobeluk, Jr., Village Public Safety Officers  
By Representative Herron; Senator Hoffman

Honoring – Haley Rodgers  
By Representative Gardner; Senator Ellis

Honoring – Anchorage Christian School Lions, 2011 3A Boys State Basketball Champions  
By Representative Pruitt



Honoring – 2011 Alaska High School Hall of Fame Inductees  
By Representatives Pruitt, Stoltze

In Memoriam – Wassilie Patguuyuli Bavilla  
By Representative Herron; Senator Hoffman

In Memoriam – Viola Elizabeth Davis  
By Representatives Olson, Chenault; Senator Wagoner

In Memoriam – Leonard J. Olson  
By Representatives Olson, Chenault; Senator Wagoner

In Memoriam – John Meade Haines  
By Senator Thomas

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

Honoring – JoEllen Walters  
By Representative Hawker; Senator Giessel

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

##### **HJR 27**

HOUSE JOINT RESOLUTION NO. 27 by Representatives Seaton, Herron, Chenault, Johnson, Gardner, Thompson, Foster, Austerman, P. Wilson, and Costello:

Supporting the relocation of the home port of the Coastal Villages Region Fund fishing fleet from Seattle to Alaska.

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

##### **HJR 28**

HOUSE JOINT RESOLUTION NO. 28 by Representative Kawasaki:

Proposing amendments to the Constitution of the State of Alaska establishing and relating to a unicameral legislature; and providing for an effective date for the amendments.

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

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

**HB 223**

HOUSE BILL NO. 223 by the House Finance Committee, entitled:

"An Act providing that the Alaska Railroad Corporation is subject to the Executive Budget Act and providing that expenditures of the Alaska Railroad Corporation are subject to appropriation; and providing for an effective date."

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

**HB 224**

HOUSE BILL NO. 224 by Representative Seaton, entitled:

"An Act relating to the prohibition of selling or giving tobacco or a product containing nicotine to a minor unless prescribed by a licensed physician."

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

**HB 225**

HOUSE BILL NO. 225 by Representative Kawasaki, entitled:

"An Act establishing a top two nonpartisan blanket primary election system for elective state executive and state and national legislative offices; changing appointment procedures relating to precinct watchers and members of precinct election boards, election district absentee and questioned ballot counting boards, and the Alaska Public Offices Commission; and amending the definition of 'political party.'"

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

**HB 226**

HOUSE BILL NO. 226 by Representative Kawasaki, entitled:

"An Act prohibiting certain automated telephone solicitations."

was read the first time and referred to the Labor & Commerce and Judiciary Committees.

**SB 97**

The Speaker added referrals to the Education and Community & Regional Affairs Committees for the following:

CS FOR SENATE BILL NO. 97(FIN)

"An Act authorizing additional appropriations for public education and for community revenue sharing based on the price of Alaska North Slope crude oil, and adjusting the formula for payments to communities; and providing for an effective date."

CSSB 97(FIN) was removed from the Finance Committee and referred to the Education Committee with further referrals to the Community & Regional Affairs and Finance Committees.

\*\*Representative Lynn was excused (page 723).

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 87**

The following was read the second time:

HOUSE BILL NO. 87

"An Act relating to penalties for antitrust violations."

with the:

Journal Page

L&C RPT CS(L&C) NT 4DP 2NR

404

FN1: ZERO(LAW)

405

JUD RPT CS(L&C) NT 3DP 3NR

572

FN1: ZERO(LAW)

572

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. 87(L&C)

"An Act relating to civil and criminal penalties for antitrust violations."

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 87(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 87(L&C) was read the third time.

The question being: "Shall CSHB 87(L&C) pass the House?" The roll was taken with the following result:

CSHB 87(L&C)

Third Reading

Final Passage

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

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

Excused: Cissna, Gatto, Lynn, Neuman

And so, CSHB 87(L&C) passed the House and was referred to the Chief Clerk for engrossment.

**HB 97**

The following was read the second time:

HOUSE BILL NO. 97

"An Act extending a provision relating to noxious weeds, invasive plants, and agricultural pest management and education; providing for an effective date by repealing the effective date of sec. 2, ch. 102, SLA 2008; and providing for an effective date."

with the:	Journal Page
RES RPT 7DP 1NR 1AM	405
FN1: (DNR)	406
FIN RPT 7DP	545
FN1: (DNR)	545

Representative Austerman moved and asked unanimous consent that HB 97 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 97 was read the third time.

The question being: "Shall HB 97 pass the House?" The roll was taken with the following result:

HB 97  
 Third Reading  
 Final Passage

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

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

Excused: Cissna, Gatto, Lynn, Neuman

And so, HB 97 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.

HB 97 was referred to the Chief Clerk for engrossment.

**HB 105**

The following was read the second time:

HOUSE BILL NO. 105

"An Act relating to the Southeast State Forest; and providing for an effective date."

with the:	Journal Page
RES RPT 5DP 3NR	464
FN1: ZERO(DNR)	464
FIN RPT 8DP 1NR	658
FN1: ZERO(DNR)	658

Representative Austerman moved and asked unanimous consent that HB 105 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 105 will advance to third reading on tomorrow's calendar.

**SECOND READING OF HOUSE RESOLUTIONS**

**HJR 17**

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 17

Urging the United States Congress to pass legislation concerning regulation of drinking water and wastewater treatment by the United States Environmental Protection Agency.

with the:	Journal Page
CRA RPT CS(CRA) 5DP	480
FN1: ZERO(H.CRA)	481
RES REFERRAL WAIVED	587

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. 17(CRA)  
(same title)

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHJR 17(CRA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 17(CRA) was read the third time.

The question being: "Shall CSHJR 17(CRA) pass the House?" The roll was taken with the following result:

CSHJR 17(CRA)  
Third Reading  
Final Passage

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

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

Excused: Cissna, Gatto, Lynn, Neuman

And so, CSHJR 17(CRA) 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 – Karimah B. Shine, 2011 Boys and Girls Club of America Alaska Youth of the Year

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

Honoring – Paul Gebhardt, 2011 Kuskokwim 300 Sled Dog Race Winner

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

In Memoriam – LeRoy D. Dennis

By Senator Coghill; Representatives T. 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, P. 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 Hawker – from 5:45 p.m., April 7 to 2:00 p.m., April 10

#### **SPECIAL ORDER OF BUSINESS**

Representative Austerman moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring – JoEllen Walters, 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 – JoEllen Walters

By Representatives Hawker, Chenault, Austerman, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, 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 Giessel

\* \* \* \* \*

Representative Kerttula requested that the House members stand for a moment of silence to honor the life of former legislator, Senator Richard Eliason.

### UNFINISHED BUSINESS

#### **HB 11**

Representative Thompson added his name as cosponsor to:

##### HOUSE BILL NO. 11

"An Act requiring that retiree health insurance coverage offered by the state and by certain local governments include coverage for colorectal screening, including colonoscopies."

#### **HB 50**

Representative Thompson added his name as cosponsor to:

##### HOUSE BILL NO. 50

"An Act relating to the purchase of alcoholic beverages at a club and to access by certain persons under 21 years of age to a club's licensed premises when alcoholic beverages are present."

#### **HB 87**

Representatives Kerttula, Petersen, Kawasaki, and Guttenberg added their names as cosponsors to:

## CS FOR HOUSE BILL NO. 87(L&amp;C)

"An Act relating to civil and criminal penalties for antitrust violations."

**HB 97**

Representative Gara added his name as cosponsor to:

## HOUSE BILL NO. 97

"An Act extending a provision relating to noxious weeds, invasive plants, and agricultural pest management and education; providing for an effective date by repealing the effective date of sec. 2, ch. 102, SLA 2008; and providing for an effective date."

**HB 142**

Representatives Costello and Fairclough added their names as cosponsors to:

## HOUSE BILL NO. 142

"An Act relating to the creation of a rebuttable presumption that the project licensed under the Alaska Gasline Inducement Act is uneconomic because of insufficient firm transportation commitments during the first open season."

**HB 144**

Representatives Lynn, Costello, Millett, Johansen, Foster, Munoz, Guttenberg, Tuck, and Herron added their names as cosponsors 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."

**SB 8**

Representative P. Wilson added her name as cross sponsor to:

## SENATE BILL NO. 8

"An Act relating to questionnaires and surveys administered in the public schools."

**ENGROSSMENT****HJR 17**

CSHJR 17(CRA) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HB 87**

CSHB 87(L&C) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HB 97**

HB 97 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., April 5, 2011. There being no objection, the House adjourned at 12:06 p.m.

Suzi Lowell  
Chief Clerk