

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
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FIRST SESSION AND FIRST SPECIAL SESSION

Juneau, Alaska

Friday

June 24, 2011

First Supplement

MESSAGES FROM THE SENATE

HB 106

A message dated May 14, 2011, was received stating the President granted limited powers of free conference to the Senate members of the Conference Committee considering:

CS FOR HOUSE BILL NO. 106(FIN)

"An Act extending the termination date of the Alaska coastal management program and relating to the extension; relating to the review of activities and regulations of the Alaska coastal management program; establishing the Alaska Coastal Policy Board; relating to the development, review, and approval of district coastal management plans; relating to the duties of the Department of Natural Resources relating to the Alaska coastal management program; relating to the review of certain consistency determinations; providing for an effective date by amending the effective date of secs. 1 - 13 and 18, ch. 31, SLA 2005; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 106(FIN)
(same title)

The Speaker granted the limited powers of free conference as requested (page 1252).

HB 106

A message dated May 14, 2011, was received stating the Senate adopted the Conference Committee with limited powers of free conference report on CSHB 106(FIN) and SCS CSHB 106(FIN), thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 106

"An Act extending the termination date of the Alaska coastal management program and relating to the extension; relating to the review of activities and regulations of the Alaska coastal management program; establishing the Alaska Coastal Policy Board; relating to the development, review, and approval of district coastal management plans; relating to the duties of the Department of Natural Resources relating to the Alaska coastal management program; relating to the review of certain consistency determinations; providing for an effective date by amending the effective date of secs. 1 - 13 and 18, ch. 31, SLA 2005; and providing for an effective date."

The House failed to adopt CCS HB 106 (page 1254).

SB 46

A message dated May 14, 2011, was received stating the Senate concurred in the House amendment to CSSB 46(FIN), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 46(FIN)

"An Act making and amending appropriations, including capital appropriations, savings deposits in the form of appropriations to the statutory budget reserve fund, and other appropriations; making appropriations to capitalize funds; and providing for an effective date."

UNFINISHED BUSINESS**HB 108**

The following memorandum dated May 17, 2011, was received from Patty Rose, Enrolling Secretary, Division of Legal and Research Services, regarding:

CONFERENCE CS FOR HOUSE BILL NO. 108

"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."

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest errors in CCS HB 108, which have been corrected in enrolling:

Page 10, line 20:

Delete "their"

Insert "its"

Page 12, line 26, following "education":

Insert "and Early Development"

Page 26, line 20, following "AS 43.56.018,":

Insert "AS 43.65.018,"

Page 40, line 6:

Delete "submits a"

Insert "submit an"

Page 73, line 5:

Delete "amount"

Insert "sum"

Page 73, line 14:

Delete "amount"

Insert "sum"

Page 75, line 4:

Delete the first occurrence of "the"

Insert "be"

Page 91, line 11:

Delete "Susitna"

Insert "South"

Page 93, line 13:

Delete "10"

Insert "10(a) - (d)""

HB 109

The following memorandum dated May 17, 2011, was received from Patty Rose, Enrolling Secretary, Division of Legal and Research Services, regarding:

CONFERENCE CS FOR HOUSE BILL NO. 109

"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."

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest errors in CCS HB 109, which have been corrected in enrolling:

Page 2, line 25:

Delete "their"

Insert "its"

Page 7, line 12:

Delete "submits a"

Insert "submit an"

Page 15, line 23:

Delete "and"

Page 16, line 23, following "(a)":

Insert "and (b)"

Page 16, line 25, following "(a)":

Insert "and (b)""

HB 164

The following memorandum dated May 23, 2011, was received from Patty Rose, Enrolling Secretary, Division of Legal and Research Services, regarding:

SENATE CS FOR CS FOR HOUSE BILL NO. 164(L&C)

"An Act relating to health care insurance, exemption of certain insurers, reporting, notice, and record-keeping requirements for insurers, biographical affidavits, qualifications of alien insurers assuming ceded insurance, risk-based capital for insurers, insurance holding companies, licensing, federal requirements for nonadmitted insurers, surplus lines insurance, insurance fraud, life insurance policies and annuity contracts, rate filings by health care insurers, long-term care insurance, automobile service corporations, guaranty fund deposits of a title insurer, joint title plants, fraternal benefit societies, multiple employer welfare arrangements, hospital and medical service corporations, health maintenance organizations, and alternate forms of payment to policyholders; and providing for an effective date."

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest errors in SCS CSHB 164(L&C), which have been corrected in enrolling:

Page 2, line 2:

Delete "the title"

Insert "this title"

Page 36, line 16:

Delete "means,"

Page 36, line 17, following "insurance,":

Insert "is defined as follows:"

Page 46, line 6:

Delete "allows"

Insert "allow"

Page 52, line 26:

Delete "plan"

Insert "plant"

Page 61, line 9:

Delete "director"

Insert "member of the governing body of the organization"

Page 62, line 17:

Delete "21.27.025(b),""

ENGROSSMENT AND ENROLLMENT

HB 24

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 3:38 p.m., May 25, 2011:

CONFERENCE CS FOR HOUSE BILL NO. 24

"An Act extending the termination date of the Regulatory Commission of Alaska; and providing for an effective date."

HB 108

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:50 a.m., June 8, 2011, with a manifest error memorandum (page 1262), a fiscal note packet (page 1189), and a Legislative Finance message:

CONFERENCE CS FOR HOUSE BILL NO. 108

"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."

HB 109

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:50 a.m., June 8, 2011, with a manifest error memorandum (page 1264):

CONFERENCE CS FOR HOUSE BILL NO. 109

"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."

Also transmitted was a copy of the following letter dated May 24, 2011, to Dr. William Doolittle, MD, Chair, Alaska Mental Health Trust Authority:

"Dear Dr. Doolittle:

Pursuant to the requirements of AS 37.14.005(c), this letter and the enclosed reports describe how the funding contained in HB 109—the FY12 Mental Health budget—differs from the FY12 Mental Health Trust Authority's funding recommendations for the state's integrated comprehensive mental health program. While the statute requires reporting only on general fund expenditures, information regarding expenditures of Authority receipts is also included in the attached reports.

Operating Appropriations

For mental health operating program funding, the *Agency Summary* report compares the FY12 Mental Health Trust Authority recommendations to the Governor's request and to appropriations. Note that Authority recommendations include FY12 salary adjustments requested by the Governor, which bring the FY12 total recommendations to \$219.9 million (column 1). The Governor requested \$208.3 million (column 2), and the legislature appropriated \$209.4 million (column 3).

An enclosed *Transaction Comparison* report shows differences between Authority recommendations and the Governor's request: "MH Rec" in the second column indicates that a transaction recommended by the Authority was denied or modified; "GovAmend+" indicates a transaction that was added or modified by the Governor. Highlights include the following reductions:

- \$880,000 in K-12 based programs;
- \$5.6 million in Behavioral Health programs;
- \$545,000 in Children's Services;
- \$917,000 in Public Health programs;
- \$2.3 million in Senior and Disabilities Services; and
- \$445,200 in the Mental Health Trust Land Office.

The legislature treated the Governor's request as a starting point for budget deliberations; Authority recommendations excluded from the Governor's request were not deliberated. A second *Transaction Comparison* report shows differences between the Governor's request and the appropriations incorporated in the Mental Health bill. As shown in the report, the legislature only denied a request for \$202,000 for an Alaska Psychiatric residency program. The legislature restored all or partial funding for the following projects or programs:

- Complex behavior collaborative project;
- Substance abuse treatment and recovery services for parents;
- Traumatic/acquired brain injury program; and
- Mental Health Trust Land Office.

For the two funds controlled by the Authority—Mental Health Trust Authority Authorized Receipts (MHTAAR) and Mental Health Trust Admin (MHT Admin)—legislative appropriations are consistent with the Authority's original recommendation except as follows:

- A \$112,000 increase in MHTAAR funding for the Alaska Autism Resource Center grant in the Department of Education and Early Development/Student and School Achievement. The legislature substituted \$112,000 of MHTAAR funding for the GF/MH that was requested.
- A reduction of \$58,500 in the Mental Health Trust Land Office.
- A \$39,100 increase in the Court System as part of a \$78,200 increment (\$39,100 of UGF was also approved) to continue funding for a part-time domestic violence coordinator due to an expiring federal grant.

MHTAAR appropriations exceed the requested amount by \$131,400.

Capital Appropriations

The Authority recommended a \$15.48 million capital budget. The Governor's request totaled \$14.945 million (a reduction of \$585,000). The enclosed *Project Detail* report shows how the Governor modified the Authority's recommendations. The legislature approved the Governor's request as submitted.

We appreciate the good working relationship between the Authority and the legislature.

If you have questions regarding the enclosed reports, please contact Amanda Ryder of the Legislative Finance Division at 465-5411.

Sincerely,

/s/

Representative Bill Thomas
Conference Committee Chair

/s/

Senator Lyman Hoffman
Conference Committee Vice-Chair

Enclosures

Agency Summary
Transaction Comparisons
Capital Project Detail"

Enclosed reports were transmitted to the Office of the Governor, and they are on file in the Chief Clerk's office.

ENROLLMENT

HB 7

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 1:50 p.m., June 7, 2011:

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

"An Act classifying certain substances as schedule IIIA controlled substances and relating to penalties for possession of those substances; and providing for an effective date."

HB 15

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 11:30 a.m., May 19, 2011:

CS FOR HOUSE BILL NO. 15(JUD)

"An Act relating to prevention and evaluation of and liability for concussions in student athletes."

HB 28

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:25 a.m., June 10, 2011:

SENATE CS FOR CS FOR HOUSE BILL NO. 28(L&C)

"An Act relating to temporary courtesy licenses for certain nonresident professionals and to a temporary exemption from fees and other licensing requirements for active duty members of the armed forces; authorizing temporary licenses for pawnbrokers not currently licensed by a municipality; and providing for an effective date."

HB 126

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 3:12 p.m., May 25, 2011:

SENATE CS FOR CS FOR HOUSE BILL NO. 126(FIN)

"An Act relating to qualifications for serving on a state board or commission; extending the termination dates of the Board of Nursing, the Board of Dental Examiners, the Board of Barbers and Hairdressers, and the Alcoholic Beverage Control Board; and providing for an effective date."

HB 127

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:20 a.m., June 17, 2011, with a manifest error memorandum (page 1190):

SENATE CS FOR CS FOR HOUSE BILL NO. 127(JUD)

"An Act relating to the crimes of stalking, sexual assault in the third degree, sexual assault in the fourth degree, unlawful exploitation of a minor, distribution of child pornography, online enticement of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, and misconduct involving confidential information; making the installation, enabling, or use of keystroke loggers or other devices criminal use of a computer; 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 conditions of probation in criminal cases involving sex offenses; 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."

HB 164

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:21 p.m., June 17, 2011, with a manifest error memorandum (page 1264):

SENATE CS FOR CS FOR HOUSE BILL NO. 164(L&C)

"An Act relating to health care insurance, exemption of certain insurers, reporting, notice, and record-keeping requirements for insurers, biographical affidavits, qualifications of alien insurers assuming ceded insurance, risk-based capital for insurers, insurance holding companies, licensing, federal requirements for nonadmitted insurers, surplus lines insurance, insurance fraud, life insurance policies and annuity contracts, rate filings by health care insurers, long-term care insurance, automobile service corporations, guaranty fund deposits of a title insurer, joint title plants, fraternal benefit societies, multiple employer welfare arrangements, hospital and medical service corporations, health maintenance organizations, and alternate forms of payment to policyholders; and providing for an effective date."

HB 173

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 3:38 p.m., May 25, 2011:

HOUSE BILL NO. 173

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

HB 183

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 1:50 p.m., June 7, 2011:

CS FOR HOUSE BILL NO. 183(FIN) am

"An Act relating to the Village Safe Water Act; and providing for an effective date."

HB 214

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 3:12 p.m., May 25, 2011, with a manifest error memorandum (page 1175):

HOUSE BILL NO. 214 am

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

MESSAGES FROM THE GOVERNOR**HB 7**

A message dated June 23, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

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

"An Act classifying certain substances as schedule IIIA controlled substances and relating to penalties for possession of those substances; and providing for an effective date."

Chapter No. 22, SLA 2011

Effective Date: July 1, 2011

HB 15

A message dated May 27, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE BILL NO. 15(JUD)

"An Act relating to prevention and evaluation of and liability for concussions in student athletes."

Chapter No. 12, SLA 2011

Effective Date: August 25, 2011

HB 18

A message dated May 27, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE BILL NO. 18(STA) am

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

Chapter No. 16, SLA 2011

Effective Date: August 25, 2011

HB 24

A message dated June 8, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CONFERENCE CS FOR HOUSE BILL NO. 24

"An Act extending the termination date of the Regulatory Commission of Alaska; and providing for an effective date."

Chapter No. 2, FSSLA 2011
Effective Date: June 9, 2011

HB 127

A message dated June 23, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 127(JUD)

"An Act relating to the crimes of stalking, sexual assault in the third degree, sexual assault in the fourth degree, unlawful exploitation of a minor, distribution of child pornography, online enticement of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, and misconduct involving confidential information; making the installation, enabling, or use of keystroke loggers or other devices criminal use of a computer; 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 conditions of probation in criminal cases involving sex offenses; 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."

Chapter No. 20, SLA 2011
Effective Date: July 1, 2011

HB 164

A message dated June 23, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 164(L&C)

"An Act relating to health care insurance, exemption of certain insurers, reporting, notice, and record-keeping requirements for insurers, biographical affidavits, qualifications of alien insurers assuming ceded insurance, risk-based capital for insurers,

insurance holding companies, licensing, federal requirements for nonadmitted insurers, surplus lines insurance, insurance fraud, life insurance policies and annuity contracts, rate filings by health care insurers, long-term care insurance, automobile service corporations, guaranty fund deposits of a title insurer, joint title plants, fraternal benefit societies, multiple employer welfare arrangements, hospital and medical service corporations, health maintenance organizations, and alternate forms of payment to policyholders; and providing for an effective date."

Chapter No. 23, SLA 2011
Effective Date: See Chapter

HB 173

A message dated May 27, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE BILL NO. 173

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

Chapter No. 13, SLA 2011
Effective Date: May 28, 2011

HB 183

A message dated June 23, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR HOUSE BILL NO. 183(FIN) am

"An Act relating to the Village Safe Water Act; and providing for an effective date."

Chapter No. 24, SLA 2011
Effective Date: June 24, 2011

HB 214

A message dated June 8, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE BILL NO. 214 am

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

Chapter No. 17, SLA 2011

Effective Date: September 6, 2011

SB 1

A message dated May 27, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 1(RLS)

"An Act requiring the state Board of Education and Early Development to provide an annual report to the legislature; and establishing a joint legislative task force on theme-based education."

Chapter No. 14, SLA 2011

Effective Date: August 25, 2011

SB 15

A message dated June 23, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR SENATE BILL NO. 15(JUD)

"An Act relating to penalties for certain alcohol offenses involving persons under 21 years of age committed by certain sex offenders or child kidnappers."

Chapter No. 21, SLA 2011

Effective Date: September 21, 2011

SB 31

A message dated May 17, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CS FOR CS FOR SENATE BILL NO. 31(STA) am H
"An Act relating to the counting of write-in votes."

Chapter No. 10, SLA 2011
Effective Date: August 15, 2011

SB 58

A message dated May 17, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 58
"An Act increasing the number of superior court judges designated for the third judicial district; and providing for an effective date."

Chapter No. 11, SLA 2011
Effective Date: July 1, 2011

SB 76

The following letter was dated May 17, 2011:

"Dear Speaker Chenault:

On this date, I have signed the following bill passed by the first special session of the Twenty-Seventh Alaska State Legislature and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR SENATE BILL NO. 76(FIN)
"An Act making supplemental appropriations, capital appropriations, and other appropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date."

Chapter No. 1, FSSLA 2011
[Effective Date: See Chapter]

As passed, the supplemental appropriations for Fiscal Year 2011 total \$135,046,700, including \$53,783,600 in general funds, to address unanticipated costs in the current year. I will continue to direct State agencies to manage their budgets for efficiencies.

Sincerely,
/s/
Sean Parnell
Governor"

SB 78

A message dated May 27, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

CS FOR SENATE BILL NO. 78(JUD)

"An Act relating to liability of certain limited liability organizations holding liquor licenses; and relating to accidents involving the vehicle of a person under the influence of alcoholic beverages."

Chapter No. 15, SLA 2011
Effective Date: August 25, 2011

SB 90

A message dated May 17, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 90

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

Chapter No. 9, SLA 2011
Effective Date: August 15, 2011

SB 95

A message dated June 8, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 95 am H

"An Act naming the ferry terminal located at Auke Bay in Juneau the Frank Palmer Auke Bay Ferry Terminal."

Chapter No. 18, SLA 2011

Effective Date: September 6, 2011

SB 108

A message dated June 8, 2011, was received stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 108

"An Act naming the Dowling Road overpass at milepost 123.7 on the New Seward Highway the Spc. Stephen "Max" Cavanaugh, Jr., Memorial Overpass."

Chapter No. 19, SLA 2011

Effective Date: September 6, 2011

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This is the first supplemental journal for the First Session and the First Special Session of the Twenty-seventh Alaska State Legislature.

Suzi Lowell
Chief Clerk