

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Monday

February 13, 2012

Twenty-eighth Day

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

Roll call showed 33 members present. Representatives Chenault, Fairclough, Joule, Pruitt, and Saddler had been excused from a call of the House today.

Representative P. Wilson, Acting Majority Leader, moved and asked unanimous consent that Representatives Kerttula and Millett be excused from a call of the House today. There being no objection, it was so ordered. The presence of Representative Kerttula was noted later.

The invocation was offered by the Chaplain, Pastor Sue Bahleda of Resurrection Lutheran Church. Representative T. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With respect to the diversity of voices, beliefs and practices that call out to a power beyond our individual selves, I offer the following prayer:

Eternal One, your generous goodness comes to us new every day. Give these men and women, called into leadership, new energy for the work that is before them this day. Give them new breath to speak truth this day. Give them new courage to work for justice and compassion this day. Give them new patience to listen to one another this day. Give them new

imagination to bridge differences this day. Give them new wisdom to guide them in their service to all people this day and every day.

We pray for all these gifts in hope and confidence. Amen.

The Pledge of Allegiance was led by Representative Gruenberg.

CERTIFICATION OF THE JOURNAL

Representative P. Wilson moved and asked unanimous consent that the journal for the 25th, 26th, and 27th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Olson introduced Heidi Herrmann, Guest Page, from Kenai and Annaleah Ernst, Guest Page, from Nikiski.

MESSAGES FROM THE SENATE

A message dated February 10, 2012, was read stating the Senate passed the following, and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SCR 20

SENATE CONCURRENT RESOLUTION NO. 20 by Senators Wielechowski, McGuire, Dyson, Olson, Coghill, Kookesh, French, Wagoner, Meyer, Ellis, Menard, Paskvan, Hoffman, Davis, Egan, Stedman, Thomas, and Stevens:

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

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs.

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 171**

SENATE BILL NO. 171 by the Senate Education Committee, entitled:

"An Act increasing the base student allocation used for public school funding; and providing for an effective date."

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

REPORTS OF STANDING COMMITTEES**HB 255**

The Judiciary Committee considered:

HOUSE BILL NO. 255

"An Act prohibiting the driver of a motor vehicle from reading or typing a text message or other nonvoice message or communication on a cellular telephone, computer, or personal data assistant while driving a motor vehicle."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 255(JUD)

"An Act relating to screen devices in motor vehicles; prohibiting the driver of a motor vehicle from reading or typing a text message or other nonvoice message or communication on a cellular telephone, computer, or personal data assistant while driving a motor vehicle; and providing for an effective date."

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

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

Do not pass (1): Keller

No recommendation (1): Lynn

The following fiscal note(s) apply to CSHB 255(JUD):

1. Zero, Dept. of Administration
2. Zero, Dept. of Corrections
3. Zero, Alaska Court System
4. Zero, Dept. of Law
5. Indeterminate, Dept. of Administration

HB 255 was referred to the Finance Committee.

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**The presence of Representative Kerttula, who was excused (page 1573), was noted.

HB 299

The Judiciary Committee considered:

HOUSE BILL NO. 299

"An Act allowing appropriations to the civil legal services fund from court filing fees."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 299(JUD)

"An Act allowing appropriations to the civil legal services fund from court filing fees; and providing for an effective date."

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

Do pass (6): Lynn, Gruenberg, Keller, Holmes, Pruitt, Gatto

The following fiscal note(s) apply to CSHB 299(JUD):

1. Zero, Dept. of Law
2. Indeterminate, Dept. of Administration

HB 299 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 - Peggy Shumaker, Alaska State Writer Laureate 2010-2012
By Representative Kawasaki; Senator Paskvan

Honoring - Darwin and Geneese Peterson on Their 50th Golden
Wedding Anniversary
By Senator Stevens; Representative Seaton

Honoring - Byron Mallott
By Senator Kookesh; Representative Thomas

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HJR 36**

HOUSE JOINT RESOLUTION NO. 36 by Representatives Petersen,
Tuck, and Gruenberg:

Urging the President of the United States, the United States
Secretary of Defense, and the United States Congress to recognize
the vital importance that Joint Base Elmendorf-Richardson plays
in national security, to protect the military bases located in the
state, and to maintain base operations in the state at current levels.

was read the first time and referred to the House Special Committee on
Military & Veterans' Affairs.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 267**

The following was read the second time:

HOUSE BILL NO. 267

"An Act relating to the Real Estate Commission; and providing for
an effective date."

with the:

Journal Page

L&C RPT CS(L&C) 4DP
FN1: ZERO(CED)

1529
1529

Representative P. Wilson moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 267(L&C)
(same title)

There being no objection, it was so ordered.

Representative P. Wilson moved and asked unanimous consent that CSHB 267(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 267(L&C) was read the third time.

The Speaker pro tempore stated that, without objection, CSHB 267(L&C) would be referred to the Judiciary Committee.

LEGISLATIVE CITATIONS

Representative P. Wilson 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 - Brian Barnes

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, Thomas, Thompson, Tuck, P. Wilson, T. Wilson; Senator Thomas

In Memoriam - George "Lefty" Van Brunt

By 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

In Memoriam - Arthur W. King

By Representatives Thomas, 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, Thompson, Tuck, P. Wilson, T. Wilson; Senator Kookesh

In Memoriam - Dr. Charles E. Manwiller

By Senators Dyson, 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

UNFINISHED BUSINESS

Representative P. Wilson 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 Petersen – from 6:00 a.m., February 17 to 10:30 a.m., February 20

Representative Miller – from 11:00 a.m., February 18 to 9:30 p.m., February 19

Representative Tuck – from 6:00 p.m., February 24 to 10:00 a.m., February 27

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Representative Fairclough – from 11:00 a.m., February 17 to 10:30 a.m., February 20

Representative Costello – from 11:00 a.m., February 17 to 10:30 a.m., February 20

Representative Pruitt – from noon, February 17 to 10:30 p.m., February 19

Representative Johnson – from noon, February 17 to 10:00 a.m., February 20

Representative Feige – from 6:30 p.m., February 17 to 10:00 p.m., February 19

Representative Neuman – from 5:00 p.m., February 17 to 9:34 p.m., February 19

The Speaker pro tempore stated that, without objection, the House would recess until 12:30 p.m.; and so, the House recessed at 11:52 a.m.

AFTER RECESS

The Speaker pro tempore called the House back to order at 1:32 p.m.

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

MESSAGES FROM THE SENATE

HB 311

A message dated February 13, 2012, was read stating the Senate passed CSHB 311(STA) am with the following amendment, and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 311(RLS)

"An Act relating to the filing of information with the Alaska Public Offices Commission; and providing for an effective date."

CONCUR IN SENATE AMENDMENTS**HB 311**

Representative P. Wilson moved and asked unanimous consent that the House consider the Senate message. There being no objection, it was so ordered.

Representative P. Wilson moved that the House concur in the Senate amendment to CSHB 311(STA) am, thus adopting SCS CSHB 311(RLS), and recommended that the members vote no.

The question being: "Shall the House concur in the Senate amendment to CSHB 311(STA) am?" The roll was taken with the following result:

#AKH00293 02-13-2012 13:37:20

SCS CSHB 311(RLS)

Concur

YEAS: 0 NAYS: 33 EXCUSED: 6 ABSENT: 1

Nays: Austerman, Cissna, Costello, Dick, Doogan, Edgmon, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Kawasaki, Keller, Kerttula, Lynn, Miller, Munoz, Neuman, Olson, Petersen, Seaton, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Chenault, Fairclough, Joule, Millett, Pruitt, Saddler

Absent: Stoltze

#AKH00293 END

And so, the House failed to concur in the Senate amendment.

The Chief Clerk notified the Senate and respectfully requested it to recede.

In the event the Senate fails to recede from its amendment, the Speaker pro tempore appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Hawker, Chair

Representative Johnson

Representative Kerttula

UNFINISHED BUSINESS**HB 62**

Representative T. Wilson added her name as cosponsor to:

HOUSE BILL NO. 62

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

HB 168

Representative P. Wilson added her name as cosponsor to:

CS FOR HOUSE BILL NO. 168(JUD)

"An Act requiring the amount of the security given by a party seeking an injunction or order vacating or staying the operation of a permit affecting an industrial operation to include an amount for the payment of wages and benefits for employees and payments to contractors and subcontractors that may be lost if the industrial operation is wrongfully enjoined."

HB 246

Representative Dick added his name as cosponsor to:

HOUSE BILL NO. 246

"An Act naming certain bridges."

HB 267

Representative Neuman added his name as cosponsor to:

CS FOR HOUSE BILL NO. 267(L&C)

"An Act relating to the Real Estate Commission; and providing for an effective date."

SCR 20

Representatives Petersen and Lynn added their names as cross sponsors to:

SENATE CONCURRENT RESOLUTION NO. 20

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

SB 98

Representative Kawasaki added his name as cross sponsor to:

CS FOR SENATE BILL NO. 98(JUD)

"An Act relating to biometric information."

ANNOUNCEMENTS

House committee schedules are published under separate cover.

The following meetings today were changed:

Finance Committee

CHANGED TO: 15 minutes after adjournment

Judiciary Committee

CHANGED TO: 10 minutes after adjournment

Labor & Commerce Committee

LOCATION CHANGED TO: Capitol 106

Resources Committee

CHANGED TO: upon adjournment

ADJOURNMENT

Representative P. Wilson moved and asked unanimous consent that the House adjourn until 10:30 a.m., February 15, 2012. Objection was heard and withdrawn. There being no further objection, the House adjourned at 1:53 p.m.

Suzi Lowell
Chief Clerk