

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Wednesday

February 15, 2012

#### Thirtieth Day

The House was called to order by Speaker pro tempore Austerman at 11:04 a.m.

Roll call showed 32 members present. Representatives Chenault, Dick, 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 the following members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Foster – to 10:00 p.m., today

Representative Millett – from today to 10:15 a.m., February 16

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:

Faithful One, we give you thanks and ask your help. For the gifts of the beautiful, diverse, and productive lands, rivers,

and seas of this great state, we give you thanks. For the wise and proper use of your creation and its resources, we ask your help.

For the gifts of warmth, food, shelter, and health, we give you thanks. For those who know cold, hunger, homelessness, for those broken in body, mind, and spirit, we ask your help.

For the gifts of freedom: to speak, to question, to serve, to care, we give you thanks. For these gathered men and women who work for justice, for community, for compassion, for peace, we ask your help.

Thank you. Help us. Amen.

The Pledge of Allegiance was led by Representative Guttenberg.

### **CERTIFICATION OF THE JOURNAL**

Representative P. Wilson moved and asked unanimous consent that the journal for the 28<sup>th</sup> and 29<sup>th</sup> legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

\* \* \* \* \*

Representative Munoz introduced Tristan Weissmuller, Guest Page, from Juneau.

Representative T. Wilson introduced Leslie McEwen, Guest Page, from Fairbanks.

Representative Stoltze introduced Matt Toth, Christian Bohrer, and Mariah McCoy, Guest Pages, from Chugiak.

Representative Guttenberg introduced Ryan Decorso, Guest Page, from Fairbanks.

**MESSAGES FROM THE SENATE**

A message dated February 13, 2012, was read stating the Senate passed the following, and they are transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 13**

CS FOR SENATE BILL NO. 13(FIN) by the Senate Finance Committee, entitled:

"An Act providing for the waiver or reduction of certain fees and charges in state parks for disabled veterans."

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

**SB 137**

SENATE BILL NO. 137 by Senators Davis, Ellis, Dyson, Coghill, McGuire, Meyer, Stedman, Menard, Paskvan, and Egan, entitled:

"An Act requiring suicide awareness and prevention training for certain school personnel."

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

**COMMUNICATIONS**

The following was received:

Dept. of Natural Resources  
Office of the Commissioner  
Determination to Take Oil and Gas Royalty In-Value  
February 9, 2012  
(as required by AS 38.05.182)

**REPORTS OF STANDING COMMITTEES****HJR 26**

The Resources Committee considered:

**HOUSE JOINT RESOLUTION NO. 26**

Urging federal agencies to work with the Alaska Department of Fish and Game, Southeast Alaska Native leaders, and other interested parties to establish strategies and plans for the sustainable management of the reintroduced sea otter population of Southeast Alaska.

and recommends it be replaced with:

**CS FOR HOUSE JOINT RESOLUTION NO. 26(RES)**  
(same title)

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

Do pass (6): Munoz, Foster, P. Wilson, Dick, Seaton Feige

No recommendation (2): Gardner, Herron

Amend (1): Kawasaki

The following fiscal note(s) apply to CSHJR 26(RES):

1. Zero, Legislative Agency

HJR 26 was referred to the Rules Committee for placement on the calendar.

**HB 190**

The State Affairs Committee considered:

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190**

"An Act relating to allowable absences from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

and recommends it be replaced with:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.  
190(STA)  
(same title)

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

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

No recommendation (1): Johansen

The following fiscal note(s) apply to CSSSHB 190(STA):

1. Zero, Dept. of Revenue

SSH B 190 was referred to the Finance Committee.

### **HB 216**

The Judiciary Committee considered:

HOUSE BILL NO. 216

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 216(JUD)

"An Act relating to fiscal notes for bills directing or resulting in the adoption, amendment, or repeal of regulations, and to the notice required for the proposed adoption, amendment, or repeal of a regulation; 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, Thompson, Holmes, Gatto

The following fiscal note(s) apply to CSHB 216(JUD):

1. Indeterminate, Office of the Governor/All Depts.

HB 216 was referred to the Finance Committee.

**HB 246**

The Finance Committee considered:

HOUSE BILL NO. 246  
"An Act naming certain bridges."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 246(FIN)  
"An Act naming certain bridges and airports."

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

Do pass (7): Guttenberg, Costello, Gara, Neuman, Doogan, Stoltze, Thomas

The following fiscal note(s) apply to CSHB 246(FIN):

2. Fiscal, Dept. of Transportation & Public Facilities

HB 246 was referred to the Rules Committee for placement on the calendar.

**HB 274**

The Labor & Commerce Committee considered:

HOUSE BILL NO. 274  
"An Act relating to the exemption of certain acts and transactions from the provisions dealing with unfair methods of competition and unfair or deceptive acts or practices."

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

Do pass (4): Miller, Holmes, Thompson, Olson

No recommendation (1): Johnson

The following fiscal note(s) apply:

1. Zero, Dept. of Law

HB 274 was referred to the Rules Committee for placement on the calendar.

### **REPORTS OF SPECIAL COMMITTEES**

#### **HCR 18**

The House Special Committee on Fisheries considered:

##### **HOUSE CONCURRENT RESOLUTION NO. 18**

Relating to an examination of fisheries-related programs and resources in the state to determine how those programs and resources may best be strengthened and focused to facilitate the entry of young Alaskans into gainful, lifelong commercial fisheries careers and to the development of a systematic, aggressive, and sustained program to turn the tide on the graying of the fleet and to increase ownership of successful commercial fisheries operations by young Alaskans.

and recommends it be replaced with:

##### **CS FOR HOUSE CONCURRENT RESOLUTION NO. 18(FSH)**

Relating to an examination of fisheries-related programs to facilitate the entry of young Alaskans into commercial fisheries careers and to collaboration with the University of Alaska fisheries, seafood, and maritime initiative.

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

Do pass (5): Johnson, Austerman, Miller, Herron, Thompson

The following fiscal note(s) apply to CSHCR 18(FSH):

1. Zero, House Special Committee on Fisheries

HCR 18 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 - Craige and Kathy Baker, 2011 Farm Family of the Year  
By Representative Feige

In Memoriam - Nelson Bryan Miles  
By Representative Thompson; Senator Thomas

In Memoriam - Father Joseph P. Kreta  
By Senator Stevens; Representative Austerman

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

Honoring - Captain Peter Garay and the Alaska Marine Pilots, 2012  
Historic Fuel Delivery to Nome  
By Senator Wagoner; Representative Seaton

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

#### **HJR 37**

HOUSE JOINT RESOLUTION NO. 37 by Representatives Johansen, Millett, Lynn, Tuck, Kawasaki, and Miller:



Urging the United States Congress, the President of the United States, and the United States Secretary of State to support the construction of the Keystone XL pipeline.

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

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

#### **HB 321**

HOUSE BILL NO. 321 by Representative Cissna, entitled:

"An Act requiring certain airports in the state to apply for the federal security screening opt-out program; providing reimbursement to a municipality that applies for the federal security screening opt-out program; and providing for an effective date."

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

#### **HB 322**

HOUSE BILL NO. 322 by Representative Gara, entitled:

"An Act providing for monetary bonuses for public school districts that hire or employ principals who demonstrate high levels of achievement."

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

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

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

#### **HCR 19**

The following was read the second time:

## HOUSE CONCURRENT RESOLUTION NO. 19

Acknowledging the lessons learned from the 2011 Norway Policy Tour and encouraging investment in the state's oil and gas industry.

with the:	Journal Page
EDT RPT CS(EDT) 8DP	1531
FN1: ZERO(LEG)	1531

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

CS FOR HOUSE CONCURRENT RESOLUTION NO. 19(EDT)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gardner:

Page 2, following line 21:

Insert a new paragraph to read:

"(13) Norway has developed a free, comprehensive and rigorous educational system spanning pre-school to graduate school that contributes to a vibrant national economy by providing professional expertise for the oil and gas sector; and"

Page 4, line 7:

Insert new material to read:

**"FURTHER RESOLVED** that the Alaska State Legislature shall explore measures to support in-state educational systems and training programs necessary to provide world-class, professional expertise in the oil and gas sector in Alaska, and potentially to other states and nations; and be it"

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

Representative Olson objected.

Representative Johansen placed a call of the House on the resolution.

The call was satisfied.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHCR 19(EDT)  
Second Reading  
Amendment No. 1

**YEAS: 12 NAYS: 20 EXCUSED: 8 ABSENT: 0**

Yeas: Cissna, Doogan, Gara, Gardner, Gruenberg, Guttenberg, Holmes, Kawasaki, Kerttula, Miller, Petersen, Tuck

Nays: Austerman, Costello, Edgmon, Feige, Gatto, Hawker, Herron, Johansen, Johnson, Keller, Lynn, Munoz, Neuman, Olson, Seaton, Stoltze, Thomas, Thompson, P.Wilson, T.Wilson

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

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representatives Johansen and Millett:

Page 3, line 31, following "state" through Page 4, line 12, "investment":

Delete all material.

Representative Johansen moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Herron objected.

The Speaker pro tempore stated that, without objection, CSHCR 19(EDT) would be returned to the Rules Committee with Amendment No. 2 moved and pending.

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

**MESSAGES FROM THE SENATE****HB 311**

A message dated February 15, 2012, was read stating the Senate failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 311(STA) am  
"An Act relating to the filing of information with the Alaska Public Offices Commission; and providing for an effective date."

namely:

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

The President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator Meyer, Chair  
Senator Hoffman  
Senator Stevens

The House members of the Conference Committee are Representatives Hawker (Chair), Johnson, and Kerttula (page 1581).

The Speaker pro tempore stated that, without objection, the House would recess until 5:30 p.m.; and so, the House recessed at 12:26 p.m.

**AFTER RECESS**

The Speaker pro tempore called the House back to order at 5:35 p.m.

\*\*Representative Edgmon was excused from a call of the House at 5:00 p.m. (page 1563).

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

**REPORTS OF SPECIAL COMMITTEES****HB 311**

The Conference Committee considering:

CS FOR HOUSE BILL NO. 311(STA) am  
"An Act relating to the filing of information with the Alaska  
Public Offices Commission; and providing for an effective date."

and

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

requests limited powers of free conference on the following specific  
point(s):

Page 3, lines 8-13 (both House and Senate; including  
retroactivity)

The request was signed by Representatives Hawker (Chair), Johnson,  
Kerttula; and Senators Meyer (Chair), Stevens, Hoffman.

The Speaker pro tempore granted the limited powers of free  
conference as requested.

The Chief Clerk notified the Senate.

The Conference Committee with limited powers of free conference  
considering CSHB 311(STA) am and SCS CSHB 311(RLS)  
recommends the following be adopted:

CONFERENCE CS FOR HOUSE BILL NO. 311  
"An Act relating to the filing of information with, and to  
information filed with, the Alaska Public Offices Commission;  
and providing for an effective date."

(technical title change)

The report was signed by Representatives Hawker (Chair), Johnson,  
Kerttula; and Senators Meyer (Chair), Hoffman, Stevens.

The following fiscal note(s) apply to CCS HB 311:

1. Zero, House State Affairs Committee

Representative P. Wilson moved that the House adopt the Conference Committee with limited powers of free conference report, thus adopting CCS HB 311.

The question being: "Shall the House adopt the report?" The roll was taken with the following result:

CCS HB 311

Adopt

**YEAS: 26 NAYS: 5 EXCUSED: 9 ABSENT: 0**

Yeas: Austerman, Cissna, Costello, Doogan, Feige, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johnson, Keller, Kerttula, Lynn, Miller, Munoz, Neuman, Olson, Petersen, Seaton, Thomas, Thompson, P.Wilson, T.Wilson

Nays: Gara, Johansen, Kawasaki, Stoltze, Tuck

Excused: Chenault, Dick, Edgmon, Fairclough, Foster, Joule, Millett, Pruitt, Saddler

And so, the House adopted CCS HB 311.

Representative P. Wilson moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CCS HB 311

Adopt

Effective Date

**YEAS: 31 NAYS: 0 EXCUSED: 9 ABSENT: 0**

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

Excused: Chenault, Dick, Edgmon, Fairclough, Foster, Joule, Millett, Pruitt, Saddler

And so, the effective date clause was adopted.

The Chief Clerk notified the Senate.

CCS HB 311 was referred to the Chief Clerk for engrossment and enrollment.

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

(continued)

#### **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 - Peggy Shumaker, Alaska State Writer Laureate 2010-2012  
By Representatives Kawasaki, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Keller, Kerttula, Lynn, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P. Wilson, T. Wilson; Senator Paskvan

Honoring - Darwin and Geneese Peterson on Their 50<sup>th</sup> Golden Wedding Anniversary

By Senator Stevens; Representatives Seaton, 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, Stoltze, Thomas, Thompson, Tuck, P. Wilson, T. Wilson

Honoring - Byron Mallott

By Senator Kookesh; 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

**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 Gardner – from noon, March 6 to 10:00 p.m., March 11

Representative Johnson – from noon, February 17 to 10:00 p.m., February 20 (amended from page 1580)

**SPECIAL ORDER OF BUSINESS**

Representative P. Wilson moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - Captain Peter Garay and the Alaska Marine Pilots, 2012 Historic Fuel Delivery to Nome, be taken up as a Special Order of Business. There being no objection, it was so ordered.

Representative P. Wilson 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 - Captain Peter Garay and the Alaska Marine Pilots, 2012 Historic Fuel Delivery to Nome

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

**UNFINISHED BUSINESS****HB 33**

Representative Miller added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 33

"An Act relating to the procedures and jurisdiction of the Department of Health and Social Services for the care of children



who are in state custody; relating to court jurisdiction and findings pertaining to children who are in state custody; and modifying the licensing requirements for foster care."

**HB 308**

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

## HOUSE BILL NO. 308

"An Act directing a subsidiary of the Alaska Housing Finance Corporation to conduct a study of a natural gas pipeline from Cook Inlet to Fairbanks."

**HB 315**

Representative Tuck added his name as cosponsor to:

## HOUSE BILL NO. 315

"An Act allowing certain teachers, public employees, and private sector employees to take leave without pay for parent-teacher conferences."

**ANNOUNCEMENTS**

House committee schedules are published under separate cover.

**ADJOURNMENT**

Representative P. Wilson moved and asked unanimous consent that the House adjourn until 10:30 a.m., February 17, 2012. There being no objection, the House adjourned at 5:52 p.m.

Suzi Lowell  
Chief Clerk