

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Wednesday

March 14, 2012

#### Fifty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:37 a.m.

Roll call showed 37 members present. Representative Kerttula had been excused from a call of the House today.

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 P. Wilson – today

Representative Foster – from today to 10:00 a.m., March 19

Representative Dick – from 6:00 p.m., today to 10:30 p.m., March 15 (amended from page 1849)

The invocation was offered by the Chaplain, Rabbi Dov Gartenberg 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.

It is my honor to be in your presence today in the Alaska State House of Representatives. I am representing Congregation Sukkat Shalom of Juneau, a vibrant Jewish community here in the Southeast. Thank you for the honor of offering the invocation today.

I share with you a classic story from the Talmud, the great compendium of Jewish teaching, about a 2000-year-old lingering dispute between two groups of scholars. This story establishes the ideal for how we should conduct ourselves in public disputes and weighty matters.

"Rabbi Abba said in the name of Samuel: For three years there was a dispute between the School of Shammai and the School of Hillel, one asserting, 'The law is according to our views,' and the other asserting, 'The law is according to our views.' (Since they could not reach a resolution after such a long period of dispute) a divine voice went forth and said, 'The utterances of the School of Shammai and those of the School of Hillel are both the words of the living God, but the law is according to the school of Hillel.'"

The Talmud asks, "Since both school's rulings were the words of the living God, what entitled the School of Hillel to have the law fixed according to their rulings? Because the disciples of Hillel were kind and humble; they taught their own rulings as well as those of the School of Shammai. And even more, they taught the rulings of the School of Shammai before their own." (Babylonian Talmud Eruvin 13b)

The text teaches that both schools were worthy in their opinions, but that the decision to follow one over the other was based on a standard of civility that allowed for a more thorough deliberation of all sides of the issue.

May your deliberations be worthy and may you listen carefully to all sides when making the weighty decisions on behalf of the citizens of our great state.

The Pledge of Allegiance was led by Representative Joule.

#### **CERTIFICATION OF THE JOURNAL**

Representative Austerman moved and asked unanimous consent that the journal for the 56<sup>th</sup> and 57<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 291**

A message dated March 12, 2012, was read stating the Senate passed:

HOUSE BILL NO. 291

"An Act relating to the posting of notices at United States post offices; and providing for an effective date."

HB 291 was referred to the Chief Clerk for enrollment.

A message dated March 12, 2012, was read stating the Senate passed the following, and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 135**

CS FOR SENATE BILL NO. 135(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to the rights of crime victims; relating to the duties of prosecuting attorneys; and amending Rule 45, Alaska Rules of Criminal Procedure."

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

**REPORTS OF STANDING COMMITTEES****HB 212**

The State Affairs Committee considered:

HOUSE BILL NO. 212

"An Act relating to requirements for persons holding provisional drivers' licenses."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 212(STA)

(same title)

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

Do pass (3): Johansen, Keller, Petersen

No recommendation (3): Gruenberg, Seaton, Lynn

The following fiscal note(s) apply to CSHB 212(STA):

1. Zero, Dept. of Administration

HB 212 was referred to the Transportation Committee.

**HB 252**

The Finance Committee considered:

HOUSE BILL NO. 252

"An Act exempting certain small businesses from the corporate income tax; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 252(FIN)  
(same title)

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

Do pass (8): Gara, Guttenberg, Joule, Costello, Edgmon, Doogan, Stoltze, Thomas

No recommendation (3): Fairclough, T. Wilson, Neuman

The following fiscal note(s) apply to CSHB 252(FIN):

2. Fiscal, Dept. of Revenue

HB 252 was referred to the Rules Committee for placement on the calendar.

**HB 256**

The Education Committee considered:

## HOUSE BILL NO. 256

"An Act repealing provisions relating to the power and duties of the Department of Education and Early Development to intervene in a school district to improve instructional practices."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 256(EDC)

"An Act relating to the power and duties of the Department of Education and Early Development to improve instructional practices; relating to teacher exit surveys; and relating to duties of the state Board of Education and Early Development."

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

Do pass (3): P. Wilson, Seaton, Dick

No recommendation (1): Feige

Amend (2): Cissna, Kawasaki

The following fiscal note(s) apply to CSHB 256(EDC):

1. Zero, Dept. of Administration
2. Fiscal, Dept. of Education & Early Development

HB 256 was referred to the Finance Committee.

**HB 284**

The Finance Committee considered:

## HOUSE BILL NO. 284

"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 284(FIN)  
(same title)

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

Do pass (10): Fairclough, Gara, T. Wilson, Guttenberg, Joule, Neuman, Costello, Edgmon, Stoltze, Thomas

Do not pass (1): Doogan

HB 284 is on today's calendar.

**HB 285**

The Finance Committee considered:

HOUSE BILL NO. 285  
"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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 285(FIN)  
(same title)

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

Do pass (11): Fairclough, Gara, T. Wilson, Guttenberg, Joule, Costello, Neuman, Edgmon, Doogan, Stoltze, Thomas

HB 285 is on today's calendar.

**HB 337**

The Labor & Commerce Committee considered:

**HOUSE BILL NO. 337**

"An Act relating to the Board of Registration for Architects, Engineers, and Land Surveyors and to the Department of Commerce, Community, and Economic Development."

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

Do pass (6): Thompson, Saddler, Johnson, Holmes, Miller, Olson

The following fiscal note(s) apply:

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

HB 337 was referred to the Finance Committee.

**HB 340**

The Resources Committee considered:

**HOUSE BILL NO. 340**

"An Act relating to the reservation of certain mining claims from all uses incompatible with the purposes for establishing the Petersville Recreational Mining Area."

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

Do pass (4): Dick, Foster, Seaton, Feige

Do not pass (1): Gardner

No recommendation (1): Munoz

Amend (1): Kawasaki

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

HB 340 was referred to the Rules Committee for placement on the calendar.

### **REPORTS OF SPECIAL COMMITTEES**

In accordance with AS 24.55.020, the Ombudsman Selection Committee reviewed the qualifications of the following and recommends the nomination be forwarded to a joint session for consideration:

Linda Lord-Jenkins

as Ombudsman.

The report was signed by Representatives Hawker (Co-chair), T. Wilson, Gardner; and Senators McGuire (Co-chair), Meyer, Egan.

### **INTRODUCTION OF CITATIONS**

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

Honoring - Sidney James Smith  
By Representative Edgmon; Senator Hoffman

Honoring - Patricia Ivey  
By Representatives Kawasaki, Guttenberg

Honoring - Lloyd Miller, 2012 President's Award Recipient  
By Representative Holmes

Honoring - American Red Cross Month, March 2012  
By Representative Millett; Senator McGuire

Honoring - Dr. James J. Tiesinga, 2012 Distinguished Provider Award  
By Senator Olson



**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 365**

HOUSE BILL NO. 365 by the House Resources Committee, entitled:

"An Act relating to the rapid response to, and control of, aquatic invasive species."

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

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 284**

The following was read the second time:

HOUSE BILL NO. 284

"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."

with the:

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FIN RPT CS(FIN) 10DP 1DNP

1859

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. 284(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 284(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 284(FIN) will advance to third reading on tomorrow's calendar.

**HB 285**

The following was read the second time:

## HOUSE BILL NO. 285

"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."

with the:

Journal Page

FIN RPT CS(FIN) 11DP

1860

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. 285(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 285(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 285(FIN) will advance to third reading on tomorrow's calendar.

**THIRD READING OF HOUSE BILLS****HB 314**

The following, which was advanced to third reading from the March 12, 2012, calendar (page 1848), was read the third time:

## HOUSE BILL NO. 314

"An Act extending the time period for which the Alaska Railroad Corporation may lease land without reserving the right to terminate the lease; and providing for an effective date."

The question being: "Shall HB 314 pass the House?" The roll was taken with the following result:

HB 314

Third Reading

Final Passage

**YEAS: 34 NAYS: 3 EXCUSED: 3 ABSENT: 0**

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

Nays: Gara, Kawasaki, Tuck

Excused: Foster, Kerttula, P.Wilson

And so, HB 314 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 314 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 - George and Joanne Nelson, 50<sup>th</sup> Wedding Anniversary  
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

Honoring - Valerie Davidson, 2012 Luminary Distinguished Provider Award

By Senators Hoffman, McGuire; 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

Honoring - Ada Johnson on the Occasion of Her 80<sup>th</sup> Birthday

By Senator Davis; 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 - Never Sets Film Festival

By Senator Ellis; 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 - Buddy Tabor

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

In Memoriam - Yvette Byes

By Senator Davis; 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 - Jesse LeRoy Hayden Jr.

By Senator Davis; 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 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 Millett – from noon, March 16 to 10:30 a.m., March 19

Representative Kerttula – from 11:00 a.m., March 18 to 11:00 p.m., March 20

Representative Doogan – from 8:00 a.m., March 23 to 9:00 p.m., March 25

### **HCR 24**

Representative Feige added his name as cosponsor to:

#### **HOUSE CONCURRENT RESOLUTION NO. 24**

Relating to the establishment and operation of a state food resource development working group.

### **HB 90**

Representative Tuck added his name as cosponsor to:

#### **SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 90**

"An Act relating to municipal property tax exemptions on residences of certain seniors and others; and providing for an effective date."

**HB 128**

Representative Munoz added her name as cosponsor to:

HOUSE BILL NO. 128

"An Act relating to prohibiting the use of cellular telephones by minors when driving motor vehicles; and providing for an effective date."

**HB 252**

Representative Guttenberg added his name as cosponsor to:

HOUSE BILL NO. 252

"An Act exempting certain small businesses from the corporate income tax; and providing for an effective date."

**HB 264**

Representative Thompson added his name as cosponsor to:

HOUSE BILL NO. 264

"An Act allowing a deferral of municipal property taxes on the increase in the value of real property attributable to subdivision of that property; and providing for an effective date."

**HB 266**

Representative Gruenberg removed his name as cosponsor to:

HOUSE BILL NO. 266

"An Act relating to the practice of naturopathy; and providing for an effective date."

**HB 276**

Representative Feige added his name as cosponsor to:

HOUSE BILL NO. 276

"An Act providing for a credit against the oil and gas production tax for costs incurred in drilling certain oil or natural gas exploration wells in the Nenana Basin."

**HB 282**

Representative Tuck added his name as cosponsor to:

**CS FOR HOUSE BILL NO. 282(FIN)**

"An Act relating to applying military education, training, and service credit to occupational licensing and certain postsecondary education and employment training requirements; providing for a temporary occupational license for qualified military service members; and providing for an effective date."

**SB 74**

Representative Feige added his name as cross sponsor to:

**SENATE BILL NO. 74**

"An Act requiring insurance coverage for autism spectrum disorders, describing the method for establishing a covered treatment plan for those disorders, and defining the covered treatment for those disorders; and providing for an effective date."

**SB 136**

Representative Tuck added his name as cross sponsor to:

**CS FOR SENATE BILL NO. 136(FIN) am**

"An Act providing a tax credit for employing a veteran that may be taken against a liability for the tax on corporation income; and providing for an effective date."

**ENGROSSMENT****HB 314**

HB 314 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**ENROLLMENT****HB 291**

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 10:31 a.m., March 14, 2012:

HOUSE BILL NO. 291

"An Act relating to the posting of notices at United States post offices; and providing for an effective date."

**ANNOUNCEMENTS**

House committee schedules are published under separate cover.

2012 Legislative Financial Disclosure Statements  
(as required by AS 24.60.210) due to APOC:

3/15

**ADJOURNMENT**

Representative Austerman moved and asked unanimous consent that the House adjourn until 10:30 a.m., March 15, 2012. There being no objection, the House adjourned at 11:35 a.m.

Suzi Lowell  
Chief Clerk