

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Wednesday

March 28, 2012

Seventy-second Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:36 a.m.

Roll call showed 38 members present. Representative Gatto had been excused from a call of the House today. Representative Gara was absent and his presence was noted later.

The invocation was offered by the Chaplain, Cadet John Kelley of the Salvation Army College for Officer's Training. Representative P. 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 all religious beliefs and all nations, please join me in prayer.

Eternal and everlasting God, we humbly gather in united prayer to give thanks for your blessings and guidance this day. In your holy name, I ask that each one here today is granted the wisdom and understanding needed to make the necessary decisions that have been placed before our leaders so that the opportunities and paths set before them are clear. God, I ask that you give your vision and your perspective at this critical time. God, I ask that you produce within everyone gathered here an unwavering attitude of surety based on your authority of divine direction. God, grant clarity of mind and a conviction that what we do is for your purpose as we remember that the direction is not as important as the way. God, I ask that you grant each one here this day your guidance

and direction concerning the future and give a spirit of mutual cooperation. God, I rejoice and am grateful that you have called each person here into your service. God, in your holy hands, I pray your blessings on our leaders and the great state of Alaska. Amen.

The Pledge of Allegiance was led by Representative Thomas.

CERTIFICATION OF THE JOURNAL

Representative Austerman moved and asked unanimous consent that the journal for the 71st legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

REPORTS OF STANDING COMMITTEES

HJR 38

The State Affairs Committee considered:

HOUSE JOINT RESOLUTION NO. 38

Requesting the United States Congress to call a Constitutional Convention to propose an amendment to the Constitution of the United States requiring approval of a majority of state legislatures to increase the federal debt limit.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 38(STA)

Requesting the United States Congress to call an Article V amendments convention to propose an amendment to the Constitution of the United States requiring approval of a majority of state legislatures to increase the federal debt.

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

Do pass (2): Johansen, Keller

Do not pass (3): Gruenberg, Seaton, Petersen

No recommendation (1): Lynn

The following fiscal note(s) apply to CSHJR 38(STA):

1. Zero, House State Affairs Committee

HJR 38 was referred to the Rules Committee for placement on the calendar.

HB 218

The Labor & Commerce Committee considered:

HOUSE BILL NO. 218

"An Act prohibiting an insurer from using a drug formulary system of specialty tiers under certain circumstances."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 218(L&C)

"An Act prohibiting an insurer from using a drug formulary system of specialty tiers under certain circumstances; and providing for an effective date."

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

Do pass (3): Holmes, Miller, Olson

No recommendation (4): Chenault, Thompson, Saddler, Johnson

The following fiscal note(s) apply to CSHB 218(L&C):

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

HB 218 was referred to the Rules Committee for placement on the calendar.

HB 345

The Transportation Committee considered:

HOUSE BILL NO. 345

"An Act relating to regulations adopted by the Department of Administration waiving the commercial motor vehicle driving skills test for certain drivers with military commercial motor vehicle experience."

The report was signed by Representative P. Wilson, Chair, with the following individual recommendations:

Do pass (3): Petersen, Gruenberg, P. Wilson

No recommendation (2): Johnson, Pruitt

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 345 was referred to the State Affairs Committee.

REPORTS OF SPECIAL COMMITTEES**HB 366**

The House Special Committee on Military & Veterans' Affairs considered:

HOUSE BILL NO. 366

"An Act establishing an Alaska intrastate mutual aid system and relating to the duties of the Alaska division of homeland security and emergency management and the duties of the Alaska State Emergency Response Commission."

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

Do pass (6): Miller, Austerman, Cissna, Lynn, Thompson, Saddler

The following fiscal note(s) apply:

1. Zero, Dept. of Military & Veterans' Affairs

HB 366 was referred to the Community & Regional Affairs Committee.

SJR 14

The House Special Committee on Military & Veterans' Affairs considered:

CS FOR SENATE JOINT RESOLUTION NO. 14(STA)

Urging the United States Department of Defense to protect military bases and military personnel in the state for the defense and protection of the state and the nation.

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

Do pass (6): Miller, Austerman, Cissna, Lynn, Thompson, Saddler

The following fiscal note(s) apply:

1. Zero, Senate State Affairs Committee

CSSJR 14(STA) 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 - Mark Elfstrom

By Representative Holmes

Honoring - Joseph Perdue, Boys & Girls Club 2012 Alaska Youth of the Year

By Representative Holmes

Honoring - Steven F. Boyd

By Representatives Tuck, Millett

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Honoring - Donald Meany, American Red Cross "Real Heroes of Alaska"

By Representative Gatto

Honoring - Mark Owen, Educator

By Representative Feige

Honoring - "Coach T" Joe Tremarello

By Representative Thompson; Senator Coghill

Honoring - Diesel Geerdts, 2011 50cc Motocross Alaska State Champion

By Representative Herron; Senator Hoffman

Honoring - Point Hope Harpoonerettes, 2012 2A State Basketball Champions

By Representative Joule; Senator Olson

Honoring - Robert Brodie

By Senator Stevens; Representative Austerman

Honoring - Myat May, Miss Alaska Junior Teen 2011

By Senator Ellis

Honoring - Russell Dick, 2012 Top Forty Under 40

By Senator Kookesh

Honoring - South Anchorage High School Robotics Team

By Senator Giessel; Representative Lynn

In Memoriam - Dr. Walter Soboleff

By Senator Kookesh; Representatives Thomas, Kerttula

In Memoriam - Abner L. Nelson Sr.

By Senator Stevens; Representative Austerman

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

HB 369

HOUSE BILL NO. 369 by the House Finance Committee by request,
entitled:

"An Act relating to student participation in sports."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 115

The following was read the second time:

HOUSE BILL NO. 115

"An Act designating a portion of Minnesota Drive in Anchorage
the Walter J. Hickel Expressway."

with the:

Journal Page

TRA RPT CS(TRA) NT 4DP	1006
FN1: (DOT)	1006
FIN RPT CS(TRA) NT 11DP	1951
FN2: (DOT)	1951

**The presence of Representative Gara was noted.

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. 115(TRA)

"An Act designating a portion of Minnesota Drive and a portion of
O'Malley Road in Anchorage the Walter J. Hickel Expressway."

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 115(TRA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 115(TRA) was read the third time.

The question being: "Shall CSHB 115(TRA) pass the House?" The roll was taken with the following result:

CSHB 115(TRA)

Third Reading

Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 1 ABSENT: 0

Yeas: Austerman, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, 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

Excused: Gatto

And so, CSHB 115(TRA) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HJR 4

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 4

Proposing amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund.

with the:

Journal Page

TRA RPT CS(TRA) 6DP 1NR

401

FN1: (GOV)

401

JUD RPT CS(TRA) 3DP 1DNP 3NR

867

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FN1: (GOV)	867
FN2: (REV)	867
FIN RPT CS(FIN) 4DP 6NR	1799
FN3: ZERO(H.FIN/REV)	1800
FN4: (GOV)	1800
RLS RPT CS(RLS) 1DP 1DNP 4NR	1975
FN3: ZERO(H.FIN/REV)	1976
FN4: (GOV)	1976

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. 4(RLS)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Johansen and Millett:

Page 2, line 3:

Delete "transportation"

Insert "maintenance and repair of transportation projects"

Page 2, line 5, following "law.":

Insert "The fund may not be used for construction of new transportation projects."

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

Representative Thompson objected.

Representative Johansen placed a call of the House.

The call was satisfied.

Representative Johansen moved and asked unanimous consent to withdraw Amendment No. 1. There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHJR 4(RLS) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHJR 4(RLS) will advance to third reading on tomorrow's calendar.

HCR 23

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 23

Establishing and relating to the Alaska Arctic Policy Commission.

with the:

Journal Page

RES RPT CS(RES) 7DP 1NR	1650
FN1: (LEG)	1650
FIN RPT CS(FIN) 11DP	1906
FN2: (H.FIN/LEG)	1907

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

CS FOR HOUSE CONCURRENT RESOLUTION NO. 23(FIN)
(same title)

There being no objection, it was so ordered.

The question being: "Shall CSHCR 23(FIN) pass the House?" The roll was taken with the following result:

CSHCR 23(FIN)
Second Reading
Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

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

Excused: Gatto

Absent: Johansen

And so, CSHCR 23(FIN) 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 - Fire Chief Warren B. Cummings

By Representatives Thompson, 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, Tuck, P. Wilson, T. Wilson

Honoring - F. Stuart "Terry" Chapin III, Ph.D., Distinguished Emeritus Professor of Ecology, University of Alaska Fairbanks

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

Honoring - Barbara Nore for Outstanding Dedication to Alaskan Youth

By 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; Senator Coghill

Honoring - Ciugun Kelsey Wallace, 2011 Miss World Eskimo Indian Olympics

By Representatives Herron, Chenault, Austerman, 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; Senator Hoffman

Honoring - Courtney Stroh, 2012 Prudential Spirit of Community Award

By Senator Wagoner; 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 - City of Kenai, 2011 All-American City Award

By Senator Wagoner; 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 - UAF Nanooks, 2012 Governor's Cup Winners

By Senator Paskvan; 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 - George Ford

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

CONCUR IN SENATE AMENDMENTS

HJR 29

Representative Austerman moved and asked unanimous consent that the House consider the Senate message (page 2009) on the following:

HOUSE JOINT RESOLUTION NO. 29

Urging the United States Department of the Interior, Bureau of Land Management, to plug legacy wells properly and to reclaim the legacy well sites as soon as possible in order to protect the environment in the Arctic region.

and

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 29(RES) am S

Urging the United States Department of the Interior, Bureau of Land Management, to plug legacy wells properly and to reclaim the legacy well sites as soon as possible in order to protect the environment in the Arctic region; and requesting the Office of the Governor to increase nationwide awareness about legacy wells and well sites.

(SCR 25 - title change resolution)

There being no objection, it was so ordered.

Representative Austerman moved that the House concur in the Senate amendment to HJR 29, thus adopting SCS HJR 29(RES) am S, and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to HJR 29?" The roll was taken with the following result:

SCS HJR 29(RES) am S

Concur

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

Yeas: Austerman, Chenault, Cissna, Costello, Dick, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, 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

Excused: Gatto

Absent: Doogan

And so, the House concurred in the Senate amendment.

The Chief Clerk notified the Senate.

SCS HJR 29(RES) am S was referred to the Chief Clerk for enrollment.

SPECIAL ORDER OF BUSINESS

SCR 25

Representative Austerman moved and asked unanimous consent that the following be taken up as a Special Order of Business:

SENATE CONCURRENT RESOLUTION NO. 25

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning House Joint Resolution No. 29, urging the United States Department of the Interior, Bureau of Land Management, to plug legacy wells properly and to reclaim the legacy well sites as soon as possible in order to protect the environment in the Arctic region.

There being no objection, it was so ordered.

The question being: "Shall SCR 25 pass the House?" The roll was taken with the following result:

SCR 25

Special Order of Business

YEAS: 37 NAYS: 0 EXCUSED: 1 ABSENT: 2

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

Excused: Gatto

Absent: Herron, Joule

And so, SCR 25 passed the House, was signed by the Speaker and Chief Clerk, and returned to the Senate.

UNFINISHED BUSINESS

HJR 4

Representatives Feige and Munoz added their names as cosponsors to:

CS FOR HOUSE JOINT RESOLUTION NO. 4(RLS)

Proposing amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund.

HB 115

Representatives Petersen, Tuck, Millett, Pruitt, Hawker, Kerttula, Gruenberg, Austerman, Gardner, Chenault, and Johansen added their names as cosponsors to:

CS FOR HOUSE BILL NO. 115(TRA)

"An Act designating a portion of Minnesota Drive and a portion of O'Malley Road in Anchorage the Walter J. Hickel Expressway."

ENGROSSMENT**HCR 23**

CSHCR 23(FIN) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 115

CSHB 115(TRA) 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., March 29, 2012. There being no objection, the House adjourned at 12:25 p.m.

Suzi Lowell
Chief Clerk