

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

February 18, 2009

Thirtieth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:06 a.m.

Roll call showed 38 members present.

Representative Johansen 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 Hawker – from today to morning plane time, February 19

Representative Millett – today

The invocation was offered by the Chaplain, the Reverend George Silides of Holy Trinity Episcopal Church. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With deepest respect for the religious traditions of all Alaskans, I offer this prayer:

O God of grace and beauty, from whom proceeds every good and perfect gift, we thank you for the gift of this new day. Give us eyes to see the loveliness of one another, both friends and strangers, and the beauty of the land and sea and sky in which we live and move and have our being. We thank you for the challenges set before us, for the opportunity they are to offer our best, to recognize our limits and therefore our need

of one another. We ask your blessing upon the deliberations and decisions made this day that by them justice and mercy are done, righteousness and peace kiss each other. May the voices of widows and orphans, the elderly, the addicted, those in prison, the homeless and the youth struggling to find their way all find here a sympathetic ear. And upon those who have the means to prosper, pour thy abundant grace that they may persevere through every trial and with gladdened hearts enjoy their rest and share thy bounty.

Finally, we pray this day for the men and women who work outside the light of public opinion or acclaim. We pray for the staff who support this legislature that each may know the value of their work, know the satisfaction of their contribution, and the appreciation of those they serve. May your peace prevail, O Lord, here and everywhere, now and always. Amen.

The Pledge of Allegiance was led by Representative Gardner.

CERTIFICATION OF THE JOURNAL

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

* * * * *

Representative Kerttula introduced Colin Weaver, Guest Page, from Palmer.

MESSAGES FROM THE GOVERNOR

SB 77

A message dated February 17, 2009, was read 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. 77(STA)

"An Act relating to the Joint Armed Services Committee; and providing for an effective date."

Chapter No. 1, SLA 2009
Effective Date: See Chapter

REPORTS OF STANDING COMMITTEES

The State Affairs Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Joseph A. Masters

as Commissioner of the Department of Public Safety.

The report was signed by Representative Lynn, Chair; and Representatives Gatto, Seaton, Gruenberg, Wilson, and Petersen.

The State Affairs Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Faith Peters

as a member of the State Commission for Human Rights.

Lonzo Henderson

as a member of the Board of Parole.

Kathleen "Kate" Ballenger

as a member of the Alaska Public Offices Commission (APOC).

The report was signed by Representative Lynn, Chair; and Representatives Seaton, Gatto, Gruenberg, Wilson, and Petersen.

HR 5

The Labor & Commerce Committee considered:

HOUSE RESOLUTION NO. 5

Opposing any federal legislation that seeks to eliminate the private election phase of union recognition campaigns or that seeks to impose compulsory and binding arbitration on employers.

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

Do pass (3): Coghill, Chenault, Olson

Do not pass (2): Holmes, Buch

No recommendation (2): Lynn, Neuman

The following fiscal note(s) apply:

1. Zero, House Labor & Commerce Committee

HR 5 was referred to the Rules Committee for placement on the calendar.

HJR 17

The Judiciary Committee considered:

HOUSE JOINT RESOLUTION NO. 17

Urging the United States Congress to reject H.R. 45, the Blair Holt's Firearm Licensing and Record of Sale Act of 2009.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 17(JUD)
(same title)

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

Do pass (6): Gruenberg, Lynn, Coghill, Holmes, Gatto, Ramras

The following fiscal note(s) apply to CSHJR 17(JUD):

1. Zero, House Judiciary Committee

HJR 17 was referred to the Rules Committee for placement on the calendar.

HB 121

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 121

"An Act relating to a municipal property tax credit for an improvement that aids in improving air quality."

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

Do pass (5): Harris, Cissna, Keller, Herron, Munoz

No recommendation (2): Millett, Gardner

The following fiscal note(s) apply:

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

HB 121 was referred to the Finance Committee.

HB 134

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 134

"An Act relating to the terms and conditions of commercial vessel permits for the discharge of graywater, treated sewage, and other waste water; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 134(CRA)

"An Act relating to the terms and conditions of commercial passenger vessel permits for the discharge of graywater, treated sewage, and other waste water; and providing for an effective date."

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

Do pass (5): Harris, Millett, Keller, Herron, Munoz

The following fiscal note(s) apply to CSHB 134(CRA):

1. Zero, Dept. of Environmental Conservation

HB 134 was referred to the Resources Committee.

REPORTS OF SPECIAL COMMITTEES

HB 44

The House Special Committee on Energy considered:

HOUSE BILL NO. 44

"An Act relating to investments applicable to energy; authorizing the Alaska Permanent Fund Corporation to make in-state energy project investments; and authorizing certain public corporations to issue bonds for energy projects."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 44(ENE)
(same title)

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

Do pass (2): Tuck, Johansen

Do not pass (1): Ramras

No recommendation (4): Dahlstrom, Petersen, Millett, Edgmon

The following fiscal note(s) apply to CSHB 44(ENE):

1. Zero, Dept. of Revenue

HB 44 was referred to the Finance Committee.

HB 97

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

HOUSE BILL NO. 97

"An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain Alaska veterans' cemeteries, establishing the Alaska veterans' cemetery fund in the general fund, and authorizing appropriation of income from fees for special request plates commemorating Alaska veterans to that cemetery fund."

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

Do pass (6): Kawasaki, Lynn, Olson, Harris, Buch, Gatto

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Fiscal, Dept. of Military & Veterans' Affairs

HB 97 was referred to the State Affairs Committee.

HB 99

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

HOUSE BILL NO. 99

"An Act relating to providing a death certificate for a deceased veteran without charge; relating to a program to honor the memory of a deceased veteran; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 99(MLV)

"An Act relating to providing a death certificate for a deceased veteran without charge; and providing for an effective date."

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

Do pass (4): Olson, Lynn, Buch, Gatto

Amend (1): Kawasaki

The following fiscal note(s) apply to CSHB 99(MLV):

1. Fiscal, Dept. of Health & Social Services

HB 99 was referred to the State Affairs Committee.

SJR 5

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

CS FOR SENATE JOINT RESOLUTION NO. 5(FIN)

Urging the United States Department of Defense to continue to provide retirement benefits for members of the Alaska Territorial Guard who served during World War II.

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

Do pass (5): Kawasaki, Olson, Buch, Lynn, Gatto

The following fiscal note(s) apply:

1. Zero, Senate Finance Committee/All Depts.

CSSJR 5(FIN) was referred to the State Affairs Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Hjalmar "Ofi" Olson
By Representative Edgmon; Senator Hoffman

Honoring - Lynn Marie Barnes
By Senator Elton; Representatives Kerttula, Munoz

Honoring - Juneau-Douglas High School Home Builders 2009
National Regional Construction Competition
By Senator Elton; Representatives Kerttula, Munoz

Honoring - Alaska Vocational Institute
By Senator Elton; Representatives Kerttula, Munoz

In Memoriam - Dearl Wayne Gladden
By Representative Chenault

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 138**

HOUSE BILL NO. 138 by Representatives Gatto and Gruenberg,
entitled:

"An Act relating to cruelty to animals."

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

HB 139

HOUSE BILL NO. 139 by Representatives Gatto and Gruenberg,
entitled:

"An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers."

was read the first time and referred to the State Affairs and Judiciary Committees.

HB 140

HOUSE BILL NO. 140 by Representative Coghill, entitled:

"An Act relating to juries in criminal cases; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 93**

The following was read the second time:

HOUSE BILL NO. 93

"An Act relating to unwanted telephone solicitations on a cellular or mobile telephone and making those calls to cellular or mobile telephones registered with the national do not call registry violations of the Alaska Unfair Trade Practices and Consumer Protection Act."

with the:

Journal Page

L&C RPT 5DP

259

FN1: ZERO(LAW)

259

Representative Johansen moved and asked unanimous consent that HB 93 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 93 was read the third time.

The question being: "Shall HB 93 pass the House?" The roll was taken with the following result:

HB 93
Third Reading
Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 2 ABSENT: 3

Yeas: Austerman, Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Herron, Holmes, Johansen, Johnson, Joule, Keller, Kelly, Kerttula, Lynn, Munoz, Neuman, Olson, Petersen, Ramras, Seaton, Stoltze, Thomas, Tuck, Wilson

Excused: Hawker, Millett

Absent: Harris, Kawasaki, Salmon

And so, HB 93 passed the House and was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 104

The following, which was advanced to third reading from the February 16, 2009, calendar (page 263), was read the third time:

HOUSE BILL NO. 104

"An Act adjusting certain fees for treatment or services under the Alaska Workers' Compensation Act to reflect changes in the Consumer Price Index; and providing for an effective date."

Representative Tuck moved and asked unanimous consent that HB 104 be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Tuck, Gara, Kerttula, Kawasaki, Guttenberg, Gruenberg, Buch, and Petersen:

Page 1, line 1, following "**services**" (title amendment):

Insert "**and the amount used to calculate compensation for permanent partial impairment**"

Page 2, following line 14:

Insert a new bill section to read:

** **Sec. 2.** AS 23.30.190(a) is amended to read:

(a) In case of impairment partial in character but permanent in quality, and not resulting in permanent total disability, the compensation is \$177,000, **subject to adjustment as specified in this subsection,** multiplied by the employee's percentage of permanent impairment of the whole person. The percentage of permanent impairment of the whole person is the percentage of impairment to the particular body part, system, or function converted to the percentage of impairment to the whole person as provided under (b) of this section. The compensation is payable in a single lump sum, except as otherwise provided in AS 23.30.041, but the compensation may not be discounted for any present value considerations. **The compensation specified in this subsection shall be adjusted to the nearest \$1,000 increment**

(1) by the percentage change from 2000 to 2008 in the Consumer Price Index for all urban consumers for the Anchorage metropolitan area compiled by the United States Department of Labor, Bureau of Labor Statistics; and

(2) annually thereafter to reflect the change in the Consumer Price Index for all urban consumers for the Anchorage metropolitan area compiled by the United States Department of Labor, Bureau of Labor Statistics."

Re-number the following bill section accordingly.

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

Representative Olson objected.

Representative Olson placed a call of the House.

The call was satisfied.

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

HB 104
Second Reading
Amendment No. 1

YEAS: 15 NAYS: 23 EXCUSED: 2 ABSENT: 0

Yeas: Buch, Cissna, Crawford, Doogan, Gara, Gardner, Gruenberg, Guttenberg, Holmes, Kawasaki, Kerttula, Munoz, Petersen, Salmon, Tuck

Nays: Austerman, Chenault, Coghill, Dahlstrom, Edgmon, Fairclough, Foster, Gatto, Harris, Herron, Johansen, Johnson, Joule, Keller, Kelly, Lynn, Neuman, Olson, Ramras, Seaton, Stoltze, Thomas, Wilson

Excused: Hawker, Millett

And so, Amendment No. 1 was not adopted.

The question being: "Shall HB 104 pass the House?" The roll was taken with the following result:

HB 104
Third Reading
Final Passage

YEAS: 36 NAYS: 2 EXCUSED: 2 ABSENT: 0

Yeas: Austerman, Buch, Chenault, Cissna, Coghill, Dahlstrom, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson

Nays: Crawford, Doogan

Excused: Hawker, Millett

And so, HB 104 passed the House.

Representative Johansen 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.

Representative Gara gave notice of reconsideration of the vote on HB 104.

SECOND READING OF HOUSE RESOLUTIONS**HJR 12**

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 12
Relating to the Ground-based Midcourse Defense System.

with the:	Journal Page
MLV RPT 5DP	225
FN1: ZERO(H.MLV)	225
STA REFERRAL WAIVED	264

Representative Johansen moved and asked unanimous consent that HJR 12 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HJR 12 was read the third time.

Representative Ramras moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Ramras was required to vote.

The question being: "Shall HJR 12 pass the House?" The roll was taken with the following result:

HJR 12
Third Reading
Final Passage

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

Yeas: Austerman, Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson

Excused: Hawker, Millett

Absent: Doogan

And so, HJR 12 passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Johansen 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 - The Salvation Army, Over 100 Years of Service in Southeast Alaska

By Representatives Munoz, Kerttula, Chenault, Buch, Cissna, Coghill, Dahlstrom, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Lynn, Millett, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson; Senator Elton

In Memoriam - William L. Major

By Senator Thomas; Representatives Guttenberg, Chenault, Buch, Cissna, Coghill, Dahlstrom, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, Wilson

UNFINISHED BUSINESS

Representative Johansen 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 – from 11:00 a.m. to 1:30 p.m., February 20

Representative Fairclough – from 11:00 a.m., February 19 to afternoon plane time, February 22

Representative Gatto – from 11:00 a.m., February 19 to evening plane time, February 22

Representative Ramras – from 8:00 a.m., February 19 to evening plane time, February 22

Representative Edgmon – from morning plane time, February 19 to evening plane time, February 22

Representative Harris – from evening plane time, February 18 to morning plane time, February 23

Representative Dahlstrom – from 12:30 p.m., February 20 to evening plane time, February 22

Representative Stoltze – from 11:00 a.m., February 20 to evening plane time, February 22

Representative Johnson – from 11:00 a.m., February 20 to evening plane time, February 22

Representative Keller – from evening plane time, February 20 to evening plane time, February 22

Representative Chenault – from 12:30 p.m., February 20 to evening plane time, February 22

HJR 12

Representatives Johnson, Harris, Fairclough, and Chenault added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 12
Relating to the Ground-based Midcourse Defense System.

HJR 17

Representative Munoz added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 17

Urging the United States Congress to reject H.R. 45, the Blair Holt's Firearm Licensing and Record of Sale Act of 2009.

HB 13

Representatives Lynn, Ramras, Dahlstrom, and Holmes added their names as cosponsors to:

HOUSE BILL NO. 13

"An Act relating to property crimes."

HB 73

Representative Harris added his name as cosponsor to:

HOUSE BILL NO. 73

"An Act relating to honorary foreign consul license plates; and providing for an effective date."

HB 93

Representatives Tuck, Dahlstrom, Johnson, and Herron added their names as cosponsors to:

HOUSE BILL NO. 93

"An Act relating to unwanted telephone solicitations on a cellular or mobile telephone and making those calls to cellular or mobile telephones registered with the national do not call registry violations of the Alaska Unfair Trade Practices and Consumer Protection Act."

HB 137

Representative Harris added his name as cosponsor to:

HOUSE BILL NO. 137

"An Act relating to an interstate compact on educational opportunity for military children; amending Rules 4 and 24, Alaska Rules of Civil Procedure; and providing for an effective date."

ENGROSSMENT**HJR 12**

HJR 12 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 93

HB 93 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.

The following meeting today was changed:

Judiciary Committee

CHANGED TO:

1:30 p.m.

ADJOURNMENT

Representative Johansen moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 19, 2009, for a joint session. There being no objection, the House adjourned at 12:41 p.m.

Suzi Lowell
Chief Clerk