

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

February 2, 2011

#### Sixteenth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:34 a.m.

Roll call showed 38 members present. Representatives Gatto and Hawker had been excused from a call of the House today.

The invocation was offered by the Chaplain, the Reverend Sue Bahleda of Resurrection Lutheran Church. 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 the diversity of voices, beliefs, and practices that call out to a power beyond our individual selves, I offer the following prayer:

Guiding One:

It is difficult and mighty work that these men and women gather to do this day. It is work that matters. And so, we thank you for their strength and commitment to serve all the people of this great land. We ask you to prepare their hearts and minds as they act on all that lies before them. Give them your wisdom that they may faithfully speak. Give them your courage that they may faithfully stand firm. Give them your creativity that they may faithfully seek alternatives. Give them your energy that they may faithfully persevere. Give them your justice that they may faithfully provide for those in need. Give them your vision that they may faithfully see

possibilities. Give them your truth that they may faithfully strive for what is right and good. Give them, we pray, all that they need that they may faithfully serve. Bless them with your hope and fill them with your love, this day and always. Amen.

The Pledge of Allegiance was led by Representative Feige.

### **CERTIFICATION OF THE JOURNAL**

Representative Austerman moved and asked unanimous consent that the journal for the 14<sup>th</sup> and 15<sup>th</sup> legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

A letter dated January 31, 2011, was read stating that, in accordance with Chapter No. 83, SLA 10, sec. 40, the Governor submits the *Energy Report to the Legislature*.

The Speaker referred the report to the House Special Committee on Energy.

A copy of the report is on file in the Chief Clerk's office.

A letter dated February 1, 2011, was read stating that, in accordance with art. III, sec. 25, Constitution of the State of Alaska and AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the positions noted.

The Speaker referred the following to the Judiciary Committee:

#### **Attorney General**

John Burns

Appointed: 11/30/2010

The Speaker referred the following to the State Affairs Committee:

**Commissioner – Department of Administration**

Becky Hultberg

Appointed: 11/18/2010

The Speaker referred the following to the House Special Committee on Economic Development, Trade, & Tourism and the Community & Regional Affairs Committee:

**Commissioner – Department of Commerce, Community, and Economic Development**

Susan Bell

Appointed: 7/8/2010

The Speaker referred the following to the House Special Committee on Fisheries and the Resources Committee:

**Commissioner – Department of Fish and Game**

Cora Campbell

Appointed: 12/22/2010

The Speaker referred the following to the Health & Social Services Committee:

**Commissioner – Department of Health and Social Services**

William Streur

Appointed: 2/1/2011

The Speaker referred the following to the Resources Committee:

**Commissioner – Department of Natural Resources**

Dan Sullivan

Appointed: 11/18/2010

The Speaker referred the following to the Finance Committee:

**Commissioner – Department of Revenue**

Bryan Butcher

Appointed: 11/24/2010

The Speaker referred the following to the Transportation Committee:

**Commissioner – Department of Transportation and Public Facilities**

Marc Luiken

Appointed: 11/18/2010

The letter further stated that in accordance with art. III, sec. 26, Constitution of the State of Alaska and AS 39.05.080, the Governor submits the following names for legislative confirmation of appointment to the positions noted.

The Speaker referred the following to the Education Committee:

**Board of Education and Early Development**

Patrick Shier – Juneau

Appointed: 3/1/2007

Reappointed: 3/1/2011 Term Expires: 3/1/2016

**Professional Teaching Practices Commission**

Stephen Atwater – Soldotna

Appointed: 3/1/2011 Term Expires: 3/1/2014

Richard Lum – Eagle River

Appointed: 1/29/2008

Reappointed: 3/1/2011 Term Expires: 3/1/2014

The Speaker referred the following to the Finance Committee:

**Alaska Mental Health Trust Authority Board of Trustees**

Mike Barton – Douglas

Appointed: 12/9/2010 Term Expires: 3/1/2014

Russell Webb – Anchorage

Appointed: 12/9/2010 Term Expires: 3/1/2013

The Speaker referred the following to the House Special Committee on Fisheries and the Resources Committee:

**Alaska Commercial Fisheries Entry Commission**

Benjamin Brown – Juneau

Appointed: 3/1/2011 Term Expires: 3/1/2015

**Board of Fisheries**

Michael Smith – Fairbanks

Appointed: 4/23/2010 Term Expires: 6/30/2012

The Speaker referred the following to the Judiciary Committee:

**Board of Governors of the Alaska Bar**

William Granger – Anchorage

Appointed: 3/1/2011 Term Expires: 3/1/2014

**Commission on Judicial Conduct**

Amy Demboski – Chugiak

Appointed: 3/1/2011 Term Expires: 3/1/2015

**Alaska Judicial Council**

Donald Haase – Valdez

Appointed: 3/1/2011 Term Expires: 3/1/2017

**Violent Crimes Compensation Board**

Nora Barlow – Anchorage

Appointed: 3/1/2010

Reappointed: 3/1/2011 Term Expires: 3/1/2014

The Speaker referred the following to the Labor &amp; Commerce Committee:

**Alaska State Board of Public Accountancy**

Andre Horton – Anchorage

Appointed: 3/1/2011 Term Expires: 3/1/2015

Jeffrey Johnson – Fairbanks

Appointed: 3/1/2011 Term Expires: 3/1/2015

**Alcoholic Beverage Control Board**

Robert Klein – Anchorage

Appointed: 1/29/2008

Reappointed: 3/1/2011 Term Expires: 3/1/2014

Marvin Yoder – Palmer

Appointed: 3/1/2011 Term Expires: 3/1/2014

**Board of Barbers and Hairdressers**

Michael Bolivar – Anchorage

Appointed: 3/1/2011 Term Expires: 3/1/2012

**Board of Dental Examiners**

Cheryl Fellenberg – Wasilla

Appointed: 3/1/2007  
Reappointed: 3/1/2011 Term Expires: 3/1/2015

Dr. Thomas Kovaleski – Chugiak

Appointed: 3/1/2011 Term Expires: 3/1/2015

Dr. Paul Silveira – Valdez

Appointed: 3/1/2011 Term Expires: 3/1/2015

Dr. Robert Warren – Anchorage

Appointed: 3/1/2011 Term Expires: 3/1/2015

**Alaska Labor Relations Agency**

Willard Askren – Anchorage

Appointed: 6/9/2008  
Reappointed: 3/1/2011 Term Expires: 3/1/2014

Aaron Isaacs, Jr. – Klawock

Appointed: 1/18/2002 Reappointed: 6/9/2008  
Reappointed: 3/1/2011 Term Expires: 3/1/2014**Board of Marine Pilots**

David Arzt – Anchorage

Appointed: 3/1/2011 Term Expires: 3/1/2015

Robert Richmond – Anchorage

Appointed: 1/1/2011 Term Expires: 3/1/2012

Tylan Schrock – Seward

Appointed: 1/1/2011 Term Expires: 3/1/2015

**Board of Marital and Family Therapy**

Dr. Leon Webber – Anchorage

Appointed: 3/1/2011 Term Expires: 3/1/2015

JoAnn Young – Anchorage  
Appointed: 3/1/2011      Term Expires: 3/1/2014

**Board of Certified Direct-Entry Midwives**

Dr. Peggy Downing – Wasilla  
Appointed: 5/31/2007  
Reappointed: 3/1/2011      Term Expires: 3/1/2015

**Board of Nursing**

Jennifer "Robin" Allen – Palmer  
Appointed: 3/1/2011      Term Expires: 3/1/2015

Beth Farnstrom – Anchorage  
Appointed: 3/1/2007  
Reappointed: 3/1/2011      Term Expires: 3/1/2015

Julie Gillette – Wasilla  
Appointed: 3/1/2011      Term Expires: 3/1/2015

Erin Pringle – Anchorage  
Appointed: 8/26/2010      Term Expires: 3/1/2014

**Board of Examiners in Optometry**

Dr. Paul Barney – Anchorage  
Appointed: 3/1/2011      Term Expires: 3/1/2015

**Board of Pharmacy**

Lori DeVito – Soldotna  
Appointed: 3/1/2011      Term Expires: 3/1/2012

Dirk White – Sitka  
Appointed: 3/1/2007  
Reappointed: 3/1/2011      Term Expires: 3/1/2015

**State Physical Therapy and Occupational Therapy Board**

Valerie Phelps – Anchorage  
Appointed: 3/1/2011      Term Expires: 3/1/2013

**Board of Psychologist and Psychological Associate Examiners**

Dr. John DeRuyter – Fairbanks

Appointed: 6/6/2007

Reappointed: 3/1/2011      Term Expires: 3/1/2015

**Board of Certified Real Estate Appraisers**

L. April Moore – Trapper Creek

Appointed: 3/1/2007

Reappointed: 3/1/2011      Term Expires: 3/1/2015

**Real Estate Commission**

Marianne Burke – Anchorage

Appointed: 3/1/2010

Reappointed: 3/1/2011      Term Expires: 3/1/2015

Brad Cole – Wasilla

Appointed: 3/1/2007

Reappointed: 3/1/2011      Term Expires: 3/1/2015

Charlene Flyum – Homer

Appointed: 10/29/2010

Reappointed: 3/1/2011      Term Expires: 3/1/2015

PeggyAnn McConnochie – Juneau

Appointed: 3/1/2011

Term Expires: 3/1/2015

**Board of Social Work Examiners**

Jen Syzdek – Anchorage

Appointed: 3/1/2011

Term Expires: 3/1/2015

**Workers' Compensation Appeals Commission**

Jim Robison – Eagle River

Appointed: 11/18/2005

Reappointed: 4/3/2006

Reappointed: 3/1/2011

Term Expires: 3/1/2016

**Alaska Workers' Compensation Board**

Bradley Austin – Auke Bay

Appointed: 10/1/2010

Term Expires: 3/1/2013



Jeffrey Bizzarro – Two Rivers

Appointed: 3/1/2010

Reappointed: 3/1/2011 Term Expires: 3/1/2014

Charles Collins, Jr. – Juneau

Appointed: 6/1/2010

Term Expires: 3/1/2012

David Kester – Anchorage

Appointed: 4/12/2004

Reappointed: 1/29/2008

Reappointed: 3/1/2011 Term Expires: 3/1/2014

Krista Lord – Fairbanks

Appointed: 3/1/2011

Term Expires: 3/1/2014

David Robinson – Wasilla

Appointed: 10/1/2005

Reappointed: 1/29/2008

Reappointed: 3/1/2011 Term Expires: 3/1/2014

Arylis Scates – Wasilla

Appointed: 3/1/2011

Term Expires: 3/1/2014

Zebulon Woodman – Fairbanks

Appointed: 3/1/2011

Term Expires: 3/1/2014

The Speaker referred the following to the Resources Committee:

**Big Game Commercial Services Board**

Karen Polley – Juneau

Appointed: 3/1/2011

Term Expires: 3/1/2013

Kelly Vrem – Sutton

Appointed: 3/1/2011

Term Expires: 3/1/2015

**Board of Game**

Nathan Turner – Nenana

Appointed: 5/10/2010

Term Expires: 3/1/2013

**Alaska Oil and Gas Conservation Commission**

Daniel Seamount, Jr. – Eagle River

Appointed: 1/13/2000

Reappointed: 1/11/2005

Reappointed: 3/1/2011 Term Expires: 3/1/2017

The Speaker referred the following to the State Affairs Committee:

**State Commission for Human Rights**

Jerrad "Shea" Hutchings – Soldotna

Appointed: 3/1/2011      Term Expires: 3/1/2016

**Board of Parole**

Daniel Morris – Soldotna

Appointed: 3/1/2011      Term Expires: 3/1/2016

**Alaska Police Standards Council**

Kelly Alzaharna – Barrow

Appointed: 5/29/2009

Reappointed: 3/1/2011      Term Expires: 12/18/2014

Richard Burton – Ketchikan

Appointed: 12/18/2005

Reappointed: 4/2/2010      Term Expires: 12/18/2013

Rebecca Hamon – King Salmon

Appointed: 3/1/2011      Term Expires: 12/18/2014

Mark Mew – Eagle River

Appointed: 4/2/2010      Term Expires: 12/18/2013

Bernice Troglio – Anchorage

Appointed: 11/19/2008

Reappointed: 4/2/2010      Term Expires: 12/18/2014

**Alaska Public Offices Commission**

Kenneth Kirk – Anchorage

Appointed: 3/1/2011      Term Expires: 3/1/2016

Resumes for the appointments are on file in the Chief Clerk's office.

**COMMUNICATIONS**

The following were received:

Dept. of Administration  
Office of Administrative Hearings  
Seventh Annual Report to the Governor of Alaska  
and the Alaska Legislature  
January 31, 2011  
(as required by AS 44.64.020)

Alaska Commercial Fishing and Agriculture Bank  
2010 Annual Report  
January 27, 2011  
(as required by AS 44.81.200)

Alaska Court System  
Status of Surcharge Revenue  
Fiscal Year 2011  
(as required by Chapter No. 56, SLA 1998)

Alaska Court System  
Travel and Compensation Report, 2010  
(as required by AS 22.20.037)

Dept. of Environmental Conservation  
Alaska Drinking Water and Clean Water Loan Funds  
Annual Report FY 2010  
January 31, 2011  
(as required by AS 37.05.035)

Dept. of Health & Social Services  
Alaska Children's Trust (ACT)  
2010 Annual Report  
[http://www.hss.state.ak.us/ocs/ChildrensTrust/pdf/2010\\_ACT\\_annual\\_report.pdf](http://www.hss.state.ak.us/ocs/ChildrensTrust/pdf/2010_ACT_annual_report.pdf)  
(as required by AS 37.14.230)

## REPORTS OF STANDING COMMITTEES

### HJR 13

The State Affairs Committee considered:

HOUSE JOINT RESOLUTION NO. 13  
Honoring President Reagan on the 100th anniversary of his birth.

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

Do pass (7): Johansen, P. Wilson, Keller, Gruenberg, Seaton, Petersen, Lynn

The following fiscal note(s) apply:

1. Zero, House State Affairs Committee

HJR 13 is on today's calendar.

### **HB 3**

The State Affairs Committee considered:

HOUSE BILL NO. 3

"An Act relating to issuance of driver's licenses."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 3(STA)

(same title)

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

Do pass (3): P. Wilson, Keller, Lynn

No recommendation (4): Johansen, Gruenberg, Seaton, Petersen

The following fiscal note(s) apply to CSHB 3(STA):

1. Zero, Dept. of Administration

HB 3 was referred to the Finance Committee.

### **HB 14**

The State Affairs Committee considered:

## HOUSE BILL NO. 14

"An Act authorizing state agencies to pay private legal fees and costs incurred by persons exonerated of alleged Alaska Executive Branch Ethics Act violations; allowing certain public officers and former public officers to accept state payments to offset private legal fees and costs related to defending against an Alaska Executive Branch Ethics Act complaint; and creating certain exceptions to Alaska Executive Branch Ethics Act limitations on the use of state resources to provide or pay for transportation of spouses and children of the governor and the lieutenant governor."

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

Do pass (3): Gruenberg, Seaton, Petersen

No recommendation (2): Johansen, Lynn

Amend (1): P. Wilson

The following fiscal note(s) apply:

1. Zero, Dept. of Law

HB 14 was referred to the Judiciary Committee.

**INTRODUCTION OF CITATIONS**

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

In Memoriam - Mary C. Krogstad  
By Senators Huggins, Olson

In Memoriam - M. Celeste Toussaint  
By Senator Davis

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE RESOLUTIONS****HJR 15**

HOUSE JOINT RESOLUTION NO. 15 by Representatives Herron and Kerttula:

Relating to collaboration with the Yukon and the Northwest Territories through the Pacific NorthWest Economic Region and its Arctic Caucus to address common issues.

was read the first time and referred to the House Special Committee on Economic Development, Trade, & Tourism.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 137**

HOUSE BILL NO. 137 by the House Rules Committee by request of the Governor, entitled:

"An Act making supplemental appropriations, capital appropriations, and other appropriations; amending appropriations; repealing appropriations; making appropriations to capitalize funds; and providing for an effective date."

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

The Governor's transmittal letter dated January 31, 2011, follows:

"Dear Speaker Chenault:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to supplemental appropriations for the State's operating and capital budgets for Fiscal Year 2011 (FY2011).

The supplemental budget reflects increases in delivering state services and programs that were not anticipated when the FY2011 budget was brought forward for consideration during the 2010 legislative session.

The FY2011 operating supplemental request corrects errors made in the original calculation of bargaining unit agreement costs and funding sources, and a one-time request to address cash-flow issues relating to the timing of industry receipts that support the Alaska Seafood Marketing Institute.

The FY2011 capital supplemental request includes increases in Federal highway and aviation funds available for specific projects that are ready to go out for bid this summer, emergency repairs to roads and bridges, and reductions that reflect available balances for specific projects.

Thank you for your consideration of this bill.

Sincerely,

/s/

Sean Parnell  
Governor"

**HB 138**

HOUSE BILL NO. 138 by Representatives Guttenberg, Gardner, and Kerttula, entitled:

"An Act relating to regulation of certain oil and gas facilities by the Regulatory Commission of Alaska."

was read the first time and referred to the Labor & Commerce and Resources Committees.

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE RESOLUTIONS**

**HJR 13**

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 13  
Honoring President Reagan on the 100th anniversary of his birth.

with the:	Journal Page
STA RPT 7DP	167
FN1: ZERO(H.STA)	168

Representative Austerman moved and asked unanimous consent that HJR 13 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HJR 13 was read the third time.

The question being: "Shall HJR 13 pass the House?" The roll was taken with the following result:

HJR 13  
Third Reading  
Final Passage

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

Yeas: Austerman, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gruenberg, Guttenberg, Herron, 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, Hawker

Absent: Joule

And so, HJR 13 passed the House and was referred to the Chief Clerk for engrossment.

#### **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 Chenault – from 7:20 a.m., February 3 to 9:22 a.m., February 7



Representative Foster – from 6:00 a.m., February 4 to 10:00 p.m., February 6

**HJR 13**

Representative Herron added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 13

Honoring President Reagan on the 100th anniversary of his birth.

**HB 3**

Representatives Keller and P. Wilson added their names as cosponsors to:

HOUSE BILL NO. 3

"An Act relating to issuance of driver's licenses."

**HB 78**

Representative Edgmon added his name as cosponsor to:

HOUSE BILL NO. 78

"An Act establishing a loan repayment program and employment incentive program for certain health care professionals employed in the state; and providing for an effective date."

**ENGROSSMENT****HJR 13**

HJR 13 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., February 4, 2011. There being no objection, the House adjourned at 11:32 a.m.

Suzi Lowell  
Chief Clerk