

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

March 14, 2011

Fifty-sixth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:05 a.m.

Roll call showed 38 members present. Representative Foster had been excused from a call of the House today.

Representative Austerman moved and asked unanimous consent that Representative Gatto be excused from a call of the House today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, The Most Reverend Edward Burns, Bishop of the Catholic Diocese of Juneau. Representative P. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Good and Gracious God, Heavenly Father, we come before you mindful of the wonderful ways you have blessed us. We continue to ask your blessings upon us as we deliberate the work and the needs of the great state of Alaska. At the same time, we ask for your blessing upon those who are in grave need. In particular, we are mindful of our brothers and sisters in Japan who are experiencing tremendous loss and devastation due to the recent earthquake and tsunami—Lord, bless them and sustain them with your strength and grace. May they know through the generous and charitable acts of our global community that there is worldwide care and concern for them.

Lord, we ask that you bless our work this day; guide us as we make decisions for the common good of the people of Alaska. Bless our families and keep them under the protection of your love. We ask all this in your holy name. Amen.

The Pledge of Allegiance was led by Representative Kerttula.

CERTIFICATION OF THE JOURNAL

Representative Austerman moved and asked unanimous consent that the journal for the 53rd, 54th, and 55th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Johnson introduced Maggie Elliott, House Page, from Juneau.

Representative Olson introduced Savaya Bieber, Guest Page, from Kenai.

Representative Feige introduced Natalie Talcott and his daughter, Sidney Feige, Guest Pages, from Chickaloon.

MESSAGES FROM THE GOVERNOR

SB 33

A message dated March 11, 2011, 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. 33(STA)

"An Act relating to the disposition of remains of a member of the armed forces if the member dies while in a duty status."

Chapter No. 1, SLA 2011

Effective Date: June 9, 2011

REPORTS OF STANDING COMMITTEES**HB 14**

The Judiciary 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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 14(JUD)
(same title)

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

Do pass (4): Gruenberg, Thompson, Pruitt, Gatto

No recommendation (2): Lynn, Keller

The following fiscal note(s) apply to CSHB 14(JUD):

1. Zero, Dept. of Law

HB 14 was referred to the Finance Committee.

HB 76

The Judiciary Committee considered:

HOUSE BILL NO. 76

"An Act relating to costs and fees for stalking and sexual assault protective orders."

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

Do pass (4): Lynn, Gruenberg, Thompson, Gatto

No recommendation (2): Keller, Pruitt

The following fiscal note(s) apply:

1. Zero, Dept. of Law

HB 76 was referred to the Finance Committee.

HB 105

The Resources Committee considered:

HOUSE BILL NO. 105

"An Act relating to the Southeast State Forest; and providing for an effective date."

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

Do pass (5): Munoz, Foster, P. Wilson, Seaton, Feige

No recommendation (3): Herron, Dick, Kawasaki

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

HB 105 was referred to the Finance Committee.

HB 118

The Labor & Commerce Committee considered:

HOUSE BILL NO. 118

"An Act relating to a tax credit for corporate income taxes paid for qualified research and development expenditures; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 118(L&C)
(same title)

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

Do pass (5): Thompson, Saddler, Johnson, Miller, Olson

No recommendation (1): Chenault

The following fiscal note(s) apply to CSHB 118(L&C):

1. Indeterminate, Dept. of Revenue

HB 118 was referred to the Finance Committee.

HB 127

The Judiciary Committee considered:

HOUSE BILL NO. 127

"An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, distribution of indecent material to minors, and misconduct involving confidential information; relating to probation; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 127(JUD)

"An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, and misconduct involving confidential information; relating to probation; relating to the subpoena power of the attorney general in cases involving use of an Internet service account; and providing for an effective date."

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

Do pass (5): Lynn, Gruenberg, Thompson, Pruitt, Gatto

No recommendation (1): Keller

The following fiscal note(s) apply to CSHB 127(JUD):

1. Zero, Dept. of Public Safety
2. Zero, Dept. of Law
3. Indeterminate, Dept. of Administration
4. Indeterminate, Dept. of Corrections
5. Zero, Dept. of Health & Social Services

HB 127 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

Honoring – Frank Homan
By Representative Millett; Senator Meyer

Honoring – Joyce Gwynn Hilyard
By Representative Kawasaki; Senator Paskvan

Honoring – Regent Cynthia Henry
By Representative Kawasaki; Senator Paskvan

Honoring – Craig Panthers Girls Basketball Team, 2011 3A Regional Champions
By Representative Thomas; Senator Kookesh

Honoring – Lucy "Urutaq" Beaver on the Occasion of Her 112th Birthday
By Senator Hoffman; Representative Herron

In Memoriam – Raymond Paddock Sr. (Dáak 'ká 'eesh)
By Representative Thomas; Senator Kookesh

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 119**

The following was read the second time:

HOUSE BILL NO. 119

"An Act relating to the procurement of supplies, services, professional services, and construction for the Alaska Industrial Development and Export Authority; relating to the definition of 'own' for the economic development account; relating to the definitions of 'development project', 'plant', 'facility', and 'project' for the Alaska Industrial Development and Export Authority; and providing for an effective date."

with the:	Journal Page
EDT RPT CS(EDT) NT 4DP 3NR	232
FN1: ZERO(CED)	233
FIN RPT CS(EDT) NT 4DP 6NR 1AM	318
FN1: ZERO(CED)	318

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. 119(EDT)

"An Act relating to the procurement of supplies, services, professional services, and construction for the Alaska Industrial Development and Export Authority; relating to the definition of 'own' for the economic development account; relating to the definitions of 'development project', 'plant', 'facility', and 'project' for the Alaska Industrial Development and Export Authority; relating to the Alaska Industrial Development and Export Authority creating subsidiaries regarding projects financed under AS 44.88.172; and providing for an effective date."

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 119(EDT) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 119(EDT) will advance to third reading on the March 16, 2011, calendar.

HOUSE RESOLUTIONS IN SECOND READING

HCR 4

The following, which was read the second time and returned to the Rules Committee (page 214), was again before the House in second reading:

HOUSE CONCURRENT RESOLUTION NO. 4

Proposing amendments to the Uniform Rules of the Alaska State Legislature providing that the 2010 edition of "Mason's Manual of Legislative Procedure" shall implement the rules; and providing for an effective date for the amendments.

The question being: "Shall HCR 4 pass the House?" The roll was taken with the following result:

HCR 4

Second Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0

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

And so, HCR 4 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.

HCR 4 was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Austerman moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

In Memoriam – Rachel Baird

By Senator Huggins; Representatives Neuman, 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, 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 Gardner – from 6:30 a.m., March 19 to 2:30 p.m., March 20; and from 6:30 p.m., March 25 to 10:00 p.m., March 27

Representative Dick – from 11:00 a.m., March 16 to 9:40 a.m., March 18

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

Representative Fairclough – from 11:00 a.m., March 18 to 2:00 p.m., March 20

Representative Johnson – from noon, March 18 to 9:45 a.m., March 21

Representative Keller – from 9:30 a.m., March 18 to 10:30 a.m., March 20

Representative Neuman – from 6:00 p.m., March 18 to 9:00 p.m.,
March 22

Representative Pruitt – from 6:00 p.m., March 18 to 9:30 p.m.,
March 20

Representative Thompson – from 7:00 p.m., March 18 to 10:00 a.m.,
March 21

HR 6

The following memorandum dated March 14, 2011, was received from
Patty Rose, Enrolling Secretary, Division of Legal and Research
Services, regarding:

HOUSE RESOLUTION NO. 6

Urging the North Pacific Fisheries Management Council to amend
the groundfish fisheries management plan for the Gulf of Alaska
to allow for an annually adjusted cap of prohibited species catch
based on an abundance of bycatch species, and expeditiously to
implement a Chinook bycatch cap to limit the number of Chinook
salmon harvested as bycatch in the Gulf of Alaska.

"In accordance with Rule 43, Uniform Rules of the Alaska State
Legislature, I am reporting the following manifest errors in HR 6,
which have been corrected in enrolling:

Page 1, line 1: [Changes title]

Delete "**Fisheries**"

Insert "**Fishery**"

Page 1, line 7:

Delete "Fisheries"

Insert "Fishery"

Page 1, line 9:

Delete "Fisheries"

Insert "Fishery"

Page 1, line 14:

Delete "Fisheries"

Insert "Fishery"

Page 2, line 10:

Delete "Fisheries"
Insert "Fishery"

Page 2, line 14:

Delete "Fisheries"
Insert "Fishery"

Page 2, line 17:

Delete "Fisheries"
Insert "Fishery"

Page 2, line 23:

Delete "Olsen"
Insert "Olson"

Delete "Fisheries"
Insert "Fishery"

HB 175

The House Judiciary Committee changed the sponsorship for the following from the House Judiciary Committee (page 361) to the House Judiciary Committee by request:

HOUSE BILL NO. 175

"An Act relating to an appearance before a judicial officer after arrest; relating to penalties for operating a vehicle without possessing proof of motor vehicle liability insurance or a driver's license; relating to penalties for certain arson offenses; amending Rule 5(a)(1), Alaska Rules of Criminal Procedure, and Rule 43.10, Alaska Rules of Administration; and providing for an effective date."

HB 175 was reprinted today.

HB 97

Representative Austerman added his name as cosponsor to:

HOUSE BILL NO. 97

"An Act extending a provision relating to noxious weeds, invasive plants, and agricultural pest management and education; providing

for an effective date by repealing the effective date of sec. 2, ch. 102, SLA 2008; and providing for an effective date."

HB 191

Representatives Tuck, Lynn, Dick, and Miller added their names as cosponsors to:

HOUSE BILL NO. 191

"An Act establishing a state department of agriculture and food and relating to its powers and duties; relating to the powers and duties of the Department of Environmental Conservation and the Department of Natural Resources; and providing for an effective date."

ENGROSSMENT**HCR 4**

HCR 4 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.

Financial Disclosure Statements

Due to APOC:

3/15

The following meeting today was changed:

Finance Committee

CANCELED

ADJOURNMENT

Representative Austerman moved and asked unanimous consent that the House adjourn until 10:30 a.m., March 16, 2011. There being no objection, the House adjourned at 11:40 a.m.

Suzi Lowell
Chief Clerk