

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Thursday

April 14, 2011

Eighty-seventh Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:45 a.m.

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

Representative Austerman moved and asked unanimous consent that Representative Cissna be excused from a call of the House from 11:15 a.m. to 1:00 p.m., today. There being no objection, it was so ordered.

The hymn *How Great Thou Art* was sung by Representatives Edgmon, Saddler, and Gardner, David Stancliff, Mary Jackson, and Randy Pasley. The invocation was offered by the Chaplain, Representative Millett. 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 deepest respect for all religions, I offer this prayer:

As our day begins we turn to you, dear God, and our desire to serve you joyfully. With gladness we consecrate this day to your sacred heart and offer whatever joys and sacrifices come our way. Thank you for the grace you will send, all the love, all the beauty, and the ways you will answer our prayers.

May we have the strength to love our enemies and treat others as we would ask to be treated; may we be quick to forgive and be forgiven; we pray for patience, clarity, and compassion.

We ask for blessings and offer prayer for those battling illness, despair, loneliness, and sorrow; may they find solace with you. Please bless our families, Alaskans, and our nation; may unity reign amongst us all.

We humbly ask for your protection for all our men and women in military service; give them unflinching courage to defend, with honor, dignity, and devotion, the rights of all who are shackled by injustice and evil.

We pray for their families and loved ones and for those who served before them, our veterans. We pray for a quick recovery for all those wounded, peace and remembrance for those who periled, for they gave their life in the pursuit of freedom for all.

Thank you for the beauty of our land, our people, and give us the strength to serve them with integrity and humility. In your name. Amen.

The Pledge of Allegiance was led by Representative Costello.

CERTIFICATION OF THE JOURNAL

Representative Austerman moved and asked unanimous consent that the journal for the 86th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

* * * * *

Representative Gatto introduced Gregory Martinez, Malachi Erickson, and Josh Merrill, Guest Pages, from Palmer; and Cody Grogan, Guest Page, from Wasilla.

MESSAGES FROM THE SENATE**HB 19**

A message dated April 13, 2011, was read stating the Senate passed HB 19 with the following amendment, and it is transmitted for consideration:

SENATE CS FOR HOUSE BILL NO. 19(STA)

"An Act relating to special request registration plates; and providing for an effective date."

HB 19 is under Unfinished Business.

A message dated April 13, 2011, was read stating the Senate passed the following, and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SCR 11**

SENATE CONCURRENT RESOLUTION NO. 11 by Senators French, McGuire, Menard, Egan, Davis, Thomas, Stedman, Huggins, Wagoner, Olson, Wielechowski, Dyson, Meyer, and Stevens:

Designating August 18, 2011, as Walter J. Hickel Day of the Arctic.

was read the first time and referred to the State Affairs Committee.

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 95**

SENATE BILL NO. 95 by Senators Egan, McGuire, and Coghill, entitled:

"An Act naming the ferry terminal located at Auke Bay in Juneau the Frank Palmer Ferry Terminal."

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

SB 108

SENATE BILL NO. 108 by Senators McGuire, Davis, Giessel, Wagoner, Olson, Huggins, Coghill, Meyer, Menard, Thomas, Stevens, and Ellis, entitled:

"An Act naming the Dowling Road overpass at milepost 123.7 on the New Seward Highway the Spc. Stephen "Max" Cavanaugh, Jr., Memorial Overpass."

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

COMMUNICATIONS

The following was received:

Dept. of Administration
Office of the Commissioner
Monetary Terms of Agreement Between the State and the
Public Safety Employees Association representing the
Public Safety Officers Bargaining Unit
April 13, 2011
(as required by AS 23.40.215)

The Speaker referred the monetary terms to the Finance Committee.

REPORTS OF STANDING COMMITTEES**HB 131**

The Finance Committee considered:

HOUSE BILL NO. 131

"An Act establishing the Alaska Community and Public Transportation Advisory Board and relating to a long-range community and public transportation plan; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 131(TRA)
(same title)

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

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

The following fiscal note(s) apply to CSHB 131(TRA):

2. Fiscal, Dept. of Transportation & Public Facilities

HB 131 was referred to the Rules Committee for placement on the calendar.

HB 224

The Judiciary Committee considered:

HOUSE BILL NO. 224
"An Act relating to the prohibition of selling or giving tobacco or a product containing nicotine to a minor unless prescribed by a licensed physician."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 224(JUD)
"An Act prohibiting the sale or gift of a product containing nicotine to a minor under certain conditions."

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

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

No recommendation (3): Pruitt, Keller, Gruenberg

The following fiscal note(s) apply to CSHB 224(JUD):

1. Zero, Dept. of Health & Social Services
2. Zero, Dept. of Law

HB 224 was referred to the Finance Committee.

SB 78

The Judiciary Committee considered:

CS FOR SENATE BILL NO. 78(JUD)

"An Act relating to liability of certain limited liability organizations holding liquor licenses; and relating to accidents involving the vehicle of a person under the influence of alcoholic beverages."

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

Do pass (7): Lynn, Gruenberg, Keller, Thompson, Holmes, Pruitt, Gatto

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety

CSSB 78(JUD) was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

Honoring – Ainslie Phillips
By Senator Wielechowski; Representative Petersen

The following citation was introduced and taken up later as a Special Order of Business:

Honoring – James Pound
By Representative Keller

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

HB 238

HOUSE BILL NO. 238 by Representatives Kawasaki, Petersen, and Kerttula, entitled:

"An Act relating to chemicals in children's products; and adding an unlawful act to the Alaska Unfair Trade Practices and Consumer Protection Act."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 89

The following was read the second time:

HOUSE BILL NO. 89

"An Act authorizing the commissioner of natural resources to offer bedload material for disposal for flood control purposes in exchange for a percentage of the profit from the sale of that material."

with the:

Journal Page

RES RPT CS(RES) NT 3DP 4NR	544
FN1: ZERO(DNR)	545
FIN RPT CS(RES) NT 10DP	947
FN2: INDETERMINATE(DNR)	947
FN3: INDETERMINATE(DOT)	947

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. 89(RES)

"An Act relating to the disposal of certain bedload material in conjunction with a flood mitigation plan."

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 89(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 89(RES) was read the third time.

**The presence of Representative Stoltze was noted.

The question being: "Shall CSHB 89(RES) pass the House?" The roll was taken with the following result:

CSHB 89(RES)

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, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Miller

And so, CSHB 89(RES) passed the House and was referred to the Chief Clerk for engrossment.

The Speaker stated that, without objection, the House would revert to:

REPORTS OF STANDING COMMITTEES**SB 23**

The Labor & Commerce Committee considered:

CS FOR SENATE BILL NO. 23(FIN)

"An Act relating to transferable film production tax credits and film production tax credit certificates; requiring the legislative audit division to audit the Alaska film production incentive program; and providing for an effective date by amending the effective dates of secs. 3 and 4, ch. 63, SLA 2008."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 23(L&C)
(same title)

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

Do pass (4): Thompson, Holmes, Miller, Olson

No recommendation (2): Chenault, Saddler

Amend (1): Johnson

The following fiscal note(s) apply to HCS CSSB 23(L&C):

1. Indeterminate, Dept. of Revenue
2. Zero, Dept. of Commerce, Community, & Economic Development
3. Zero, Legislative Agency

CSSB 23(FIN) was referred to the Finance Committee.

**Representative Cissna, who was excused (page 983), left the Chamber.

The House advanced to:

SECOND READING OF HOUSE BILLS

(continued)

HB 183

The following was read the second time:

HOUSE BILL NO. 183

"An Act relating to the Village Safe Water Act."

with the:	Journal Page
CRA RPT CS(CRA) NT 5DP 1NR	775
FN1: ZERO(DEC)	775
FIN RPT CS(FIN) NT 11DP	950
FN1: ZERO(DEC)	950

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. 183(FIN)

"An Act relating to the Village Safe Water Act; and providing for an effective date."

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 183(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 183(FIN) was read the third time.

The question being: "Shall CSHB 183(FIN) pass the House?" The roll was taken with the following result:

CSHB 183(FIN)

Third Reading

Final Passage

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

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

Excused: Cissna, Miller

Absent: Joule, Seaton

And so, CSHB 183(FIN) 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.

Representative Johnson gave notice of reconsideration of the vote on CSHB 183(FIN).

SECOND READING OF SENATE RESOLUTIONS

SJR 2

The following was read the second time:

CS FOR SENATE JOINT RESOLUTION NO. 2(RES)

Commending and supporting actions taken by the Office of the Governor and the attorney general to protect the state from federal government incursion into the care and management of state resources and to promote the economic prosperity of the state; and urging the United States Congress and the President of the United States to limit federal government overreach into management of state resources.

with the:	Journal Page
RES RPT 5DP 1NR	916
FN1: ZERO(S.RES)	917

Representative Austerman moved and asked unanimous consent that CSSJR 2(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSJR 2(RES) was read the third time.

The question being: "Shall CSSJR 2(RES) pass the House?" The roll was taken with the following result:

CSSJR 2(RES)

Third Reading

Final Passage

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

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

Excused: Cissna, Miller

Absent: Gara, Joule, Tuck

And so, CSSJR 2(RES) passed the House, was signed by the Speaker and Chief Clerk, and returned to the Senate.

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 – Melba J. Piispanen

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

In Memoriam – Ritabell Wilson

By Representatives Thomas, 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, Thompson, Tuck, P. Wilson, T. Wilson; Senator Kookesh

In Memoriam – Marie A. Charles

By 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; Senator Hoffman

In Memoriam – Matthew Dean Tokuoka

By Senator Kookesh; Representatives Thomas, 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, Thompson, Tuck, P. Wilson, T. Wilson

UNFINISHED BUSINESS

SB 1

Representative Johnson, Chair, moved and asked unanimous consent that the 24-hour publication notice requirement (Uniform Rule 23(d)) be waived in order that the Rules Committee be allowed to schedule the following for a hearing today:

CS FOR SENATE BILL NO. 1(EDC)

"An Act requiring the state Board of Education and Early Development to provide an annual report to the legislature."

There being no objection, it was so ordered.

HB 19

Representative Keller moved and asked unanimous consent to remove his name as joint prime sponsor to:

HOUSE BILL NO. 19

"An Act relating to special request registration plates; and providing for an effective date."

There being no objection, it was so ordered.

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 Seaton – from 9:00 a.m., April 29 to 3:00 p.m., May 10

Representative Neuman – from 8:00 a.m., September 1 to 10:30 p.m., October 2

Representative Feige – from:

6:00 a.m., May 1 to midnight, May 8;
6:00 a.m., June 12 to midnight, June 18;
6:00 a.m., July 18 to midnight, July 26;
6:00 a.m., September 29 to midnight, October 2; and
6:00 a.m., October 3 to midnight, October 7

Representative Holmes – from:

7:00 p.m., April 28 to 10:00 p.m., May 15;
8:00 p.m., May 23 to 8:00 p.m., June 6;
noon, June 30 to 8:00 p.m., July 10;
8:00 p.m., July 20 to noon, August 13; and
noon, November 23 to noon, December 12

Representative Herron – from:

8:00 a.m., July 5 to 8:00 p.m., July 7;
8:00 a.m., August 24 to 8:00 p.m., August 26;
9:00 a.m. to 6:40 p.m., April 26;
9:00 a.m., April 28 to 7:50 p.m., May 10;
9:00 a.m., May 17 to 8:00 p.m., May 18;
9:00 a.m., May 19 to 7:50 p.m., May 21;

8:45 p.m., July 19 to 7:50 p.m., July 21;
9:00 a.m., July 17 to 8:00 p.m., July 23; and
9:00 a.m., August 16 to 7:50 p.m., August 20

Representative Johnson – from 7:35 a.m., April 20 to 9:30 p.m.,
April 21; and from 7:45 a.m., April 27 to 9:40 a.m., May 2

Representative Foster – from 9:45 a.m., April 28 to 11:00 p.m.,
May 14

Representative Petersen – from 8:00 a.m., July 18 to noon, July 24;
and from 8:00 a.m., August 7 to midnight, August 14

SB 97

The Speaker removed the Education Committee and Community &
Regional Affairs Committee referrals for the following:

CS FOR SENATE BILL NO. 97(FIN)

"An Act authorizing additional appropriations for public education
and for community revenue sharing based on the price of Alaska
North Slope crude oil, and adjusting the formula for payments to
communities; and providing for an effective date."

SB 97 was removed from the Education Committee and referred to the
Finance Committee.

SB 94

The Speaker added a Judiciary Committee referral for the following:

SENATE BILL NO. 94

"An Act adding a second verse to the official Alaska state song."

SB 94 is in the State Affairs Committee with a further referral to the
Judiciary Committee.

SPECIAL ORDER OF BUSINESS

In accordance with Uniform Rule 4, the Speaker temporarily
relinquished the Chair to Speaker pro tempore Austerman for the
privilege of the floor to speak under Special Orders. The Speaker
resumed the Chair.

Representative Austerman moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring – James Pound, be taken up as a Special Order of Business. There being no objection, it was so ordered.

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

Honoring – James Pound

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

UNFINISHED BUSINESS

HB 131

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 131

"An Act establishing the Alaska Community and Public Transportation Advisory Board and relating to a long-range community and public transportation plan; and providing for an effective date."

HB 183

Representatives Chenault, Munoz, Petersen, Guttenberg, and Kerttula added their names as cosponsors to:

CS FOR HOUSE BILL NO. 183(FIN)

"An Act relating to the Village Safe Water Act; and providing for an effective date."

HB 236

Representatives Holmes and Guttenberg added their names as cosponsors to:

HOUSE BILL NO. 236

"An Act relating to the public employees' retirement system and the teachers' retirement system; and providing for an effective date."

HB 237

Representative P. Wilson added her name as cosponsor to:

HOUSE BILL NO. 237

"An Act establishing June 10 of each year as Alaska Wild Salmon Day."

SCR 1

Representative Holmes added her name as cross sponsor to:

CS FOR SENATE CONCURRENT RESOLUTION NO. 1(STA)

Designating May of each year as Lupus Awareness Month.

SCR 11

Representatives Kawasaki and Holmes added their names as cross sponsors to:

SENATE CONCURRENT RESOLUTION NO. 11

Designating August 18, 2011, as Walter J. Hickel Day of the Arctic.

SJR 2

Representatives Keller, Johansen, Fairclough, Pruitt, Millett, Stoltze, Thompson, Neuman, Costello, Johnson, and Gatto added their names as cross sponsors to:

CS FOR SENATE JOINT RESOLUTION NO. 2(RES)

Commending and supporting actions taken by the Office of the Governor and the attorney general to protect the state from federal government incursion into the care and management of state resources and to promote the economic prosperity of the state; and urging the United States Congress and the President of the United States to limit federal government overreach into management of state resources.

SB 19

Representative Holmes added her name as cross sponsor to:

CS FOR SENATE BILL NO. 19(FIN)

"An Act specifying the vehicle rental tax for motorcycles and motor-driven cycles; and providing for an effective date."

SB 94

Representatives Gruenberg and Munoz added their names as cross sponsors to:

SENATE BILL NO. 94

"An Act adding a second verse to the official Alaska state song."

SB 101

Representative Holmes added her name as cross sponsor to:

SENATE BILL NO. 101

"An Act adopting the Alaska Entity Transactions Act; relating to changing the form of entities, including corporations, partnerships, limited liability companies, business trusts, and other organizations; amending Rule 79, Alaska Rules of Civil Procedure, and Rules 602(b)(2), 602(c), and 605.5, Alaska Rules of Appellate Procedure; and providing for an effective date."

SB 108

Representative Kerttula added her name as cross sponsor to:

SENATE BILL NO. 108

"An Act naming the Dowling Road overpass at milepost 123.7 on the New Seward Highway the Spc. Stephen "Max" Cavanaugh, Jr., Memorial Overpass."

ENGROSSMENT**HB 89**

CSHB 89(RES) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

ENROLLMENT**HB 98**

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 12:20 p.m., April 14, 2011:

SENATE CS FOR HOUSE BILL NO. 98(STA)

"An Act relating to display, folding, presentment, and retirement of the state flag."

ANNOUNCEMENTS

With appointment of the Conference Committee on the operating budget, Rule 23(d) of the Uniform Rules is in effect as of April 6, 2011.

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., April 15, 2011. There being no objection, the House adjourned at 12:29 p.m.

Suzi Lowell
Chief Clerk