

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-SEVENTH LEGISLATURE
SECOND SPECIAL SESSION

Juneau, Alaska

Monday

June 27, 2011

First Day

Pursuant to a poll of the legislature resulting in an affirmative vote of more than two-thirds of the membership calling themselves into special session, the House was called to order by Speaker Chenault at 6:16 p.m.

Roll call showed 36 members present. Representative Lynn had been excused from a call of the House today. Representatives Doogan, Fairclough, and Guttenberg were absent and later excused.

Representative Johansen moved that the House adjourn sine die.

There was objection.

Representative Johansen placed a call of the House.

The Speaker ruled the motion out of order stating that it was dilatory, citing Section 180 of Mason's Manual.

Representative Johansen lifted the call.

The question being: "Shall the House adjourn sine die? The roll was taken with the following result:

Adjourn Sine Die

YEAS: 3 NAYS: 33 EXCUSED: 1 ABSENT: 3

Yeas: Johansen, Millett, Neuman

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

Excused: Lynn

Absent: Doogan, Fairclough, Guttenberg

And so, the motion failed.

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 Fairclough – from today to midnight, July 2

Representative Doogan – from today to midnight, June 28

Representative Guttenberg – from today to midnight, July 18

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

COMMUNICATIONS

The following letter dated June 27, 2011, was sent to the Chief Clerk from Speaker Chenault:

"Dear Ms. Lowell:

Pursuant to Article II, Section 9, of the Constitution of the State of Alaska and AS 24.05.100(a)(2), the presiding officers of the Senate and the House announced that during the week of June 20, 2011, the memberships of both bodies were polled asking whether a special session of the Twenty-Seventh Alaska State Legislature should be held in Juneau on June 27, 2011, in order to consider legislation dealing with the Alaska Coastal Management Program (ACMP). More than two-thirds of the membership responded in the affirmative.

The question asked of House members was:

"Should the Legislature meet in special session in Juneau on June 27th to consider legislation dealing with the Alaska Coastal Management Program (ACMP)?"

The poll results are attached.

I respectfully request this correspondence and poll results become part of the official record of this special session.

Sincerely,

/s/

Representative Mike Chenault
Speaker, Alaska State House"

The poll results follow:

The following members voted in the affirmative:

Representatives Austerman, Chenault, Cissna, Dick, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Joule, Kawasaki, Kerttula, Miller, Munoz, Olson, Petersen, Saddler, Seaton, Thomas, Thompson, P. Wilson

The following members voted in the negative:

Representatives Costello, Feige, Johansen, Johnson, Keller, Millett, Neuman, Pruitt, Stoltze, Tuck, T. Wilson

The following members did not vote:

Representatives Doogan, Lynn

* * * * *

The invocation was offered by the Chaplain, Pastor 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 of 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 truth that they may faithfully strive for what is right and good. Give them your vision that they may faithfully see possibilities. We ask for all these things as we seek to love and serve the people of this great land. Amen.

The Pledge of Allegiance was led by Representative Cissna.

CERTIFICATION OF THE JOURNAL

Representative Austerman moved and asked unanimous consent that the journal for the 27th legislative day of the first special session and the First Supplemental Journal of the first session and first special session be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

HB 28

A message dated June 27, 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:

SENATE CS FOR CS FOR HOUSE BILL NO. 28(L&C)

"An Act relating to temporary courtesy licenses for certain nonresident professionals and to a temporary exemption from fees and other licensing requirements for active duty members of the armed forces; authorizing temporary licenses for pawnbrokers not currently licensed by a municipality; and providing for an effective date."

Chapter No. 25, SLA 2011

Effective Date: See Chapter

HB 126

The following letter was dated and received June 17, 2011, at 7:50 p.m.:

"Dear Speaker Chenault:

Under the authority vested in me by Article II, Section 15, of the Alaska Constitution, I have vetoed the following bill:

SENATE CS FOR CS FOR HOUSE BILL NO. 126(FIN)

"An Act relating to qualifications for serving on a state board or commission; extending the termination dates of the Board of Nursing, the Board of Dental Examiners, the Board of Barbers and Hairdressers, and the Alcoholic Beverage Control Board; and providing for an effective date."

While I support the sunset extension provisions of the bill for the Board of Nursing, the Board of Dental Examiners, the Board of Barbers and Hairdressers, and the Alcoholic Beverage Control Board, I have grave concerns over the Legislature's last minute policy call to add a provision prohibiting a person convicted of a felony from serving on a board or commission of State government. While I agree that a person who commits a violent crime and is still a danger to the community should not be considered for appointment to a board or commission, this overly broad provision fails to recognize that a person may be convicted of a nonviolent felony, rehabilitated, and substantially benefit society long after the person's incarceration. If a person may legally be elected to office, like governor or lieutenant governor, who at one time in life was convicted of a felony, why

would we forever ban them from serving the community on a commission? Fundamental notions of fairness are implicated as are constitutional directives toward rehabilitation.

Several State boards and commissions, such as the Advisory Board on Alcoholism and Drug Abuse, advise on the development of programs for the prevention, treatment, and rehabilitation of persons with social and medical issues who make up a large portion of the correctional institutions' population. The legislation's provision would eliminate from consideration for appointment persons who may be able to provide invaluable firsthand experience for development of those programs. I raise the questions because no committee record was established for the prohibition, so a full evaluation cannot occur now. Without public testimony or committee discussion of the provision, it is virtually impossible to ferret out the rationale behind this provision.

Without anything further in the record to consider, I believe that a one-size-fits-all approach is not in the State's best interest for this complicated issue. This provision is unusual among states to uniformly ban individuals from serving on State boards and commissions regardless of the linkage to the board's or commission's duties, the length of time since the commission of the felony, and whether the felony was nonviolent in nature. A stigma strong enough to stop most appointments already exists so any such appointment would receive great scrutiny. An outright ban appears to be an overreach without more information to consider.

Accordingly, I would urge the Legislature to pass a clean sunset extension for the Board of Nursing, the Board of Dental Examiners, the Board of Barbers and Hairdressers, and the Alcoholic Beverage Control Board next year. Each of these boards will still have a one year period within which to operate and within which the Legislature can act with me to extend their termination dates.

For these reasons, I have vetoed the bill.

Sincerely,

/s/

Sean Parnell
Governor"

MESSAGES FROM THE SENATE

A message dated June 27, 2011, was read stating the Senate passed the following, and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 45**

CS FOR SENATE BILL NO. 45(CRA) am by the Senate Community and Regional Affairs Committee, entitled:

"An Act extending the termination date of the Alaska coastal management program and relating to the extension; relating to the review of activities and regulations of the Alaska coastal management program; establishing the Alaska Coastal Policy Board; relating to the development, review, and approval of district coastal management plans; relating to the duties of the Department of Natural Resources relating to the Alaska coastal management program; relating to the review of certain consistency determinations; providing for an effective date by amending the effective date of secs. 1 - 13 and 18, ch. 31, SLA 2005; and providing for an effective date."

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

COMMUNICATIONS**HB 108**

A letter dated June 3, 2011, to Speaker Chenault and President Stevens from David Teal, Director, Legislative Finance Division, was received identifying the fiscal notes included in the packet that accompanied the conference committee with limited powers of free conference report (page 1188) for the following, which was adopted by the House and Senate May 6, 2011:

CONFERENCE CS FOR HOUSE BILL NO. 108

"An Act making appropriations for the operating and loan program expenses of state government and for certain programs, capitalizing funds, amending appropriations, and making reappropriations; and providing for an effective date."

The following fiscal notes were itemized in the letter:

HB 13-WORKERS' COMPENSATION: MEDICAL FEES

2. Fiscal, House Finance Committee/Dept. of Labor & Workforce Development (published 3/9/11)

HB 16-EXTEND SENIOR BENEFITS /INCOME ALLOWANCES

4. Fiscal, Dept. of Health & Social Services (published 4/1/11)
5. Fiscal, Dept. of Health & Social Services (published 4/1/11)
6. Fiscal, Dept. of Health & Social Services (published 4/1/11)
7. Fiscal, Conference Committee/Dept. of Health & Social Services (published 6/3/11)

HB 97-EXTEND INVASIVE PLANTS LAW

1. Fiscal, Dept. of Natural Resources (published 3/9/11)

HB 106-COASTAL MANAGEMENT PROGRAM

7. Fiscal, Dept. of Environmental Conservation (published 4/15/11)
8. Fiscal, Dept. of Environmental Conservation (published 4/15/11)
10. Fiscal, Senate Finance Committee/Dept. of Natural Resources (published 5/13/11)

SB 42-POWER PROJECT; ALASKA ENERGY AUTHORITY

8. Fiscal, Dept. of Commerce, Community, & Economic Development (published 4/19/11)
9. Fiscal, Dept. of Commerce, Community, & Economic Development (published 4/19/11)

SB 58-INCREASING NUMBER OF SUPERIOR CT JUDGES

2. Fiscal, Alaska Court System (published 2/17/11)
3. Fiscal, Dept. of Administration (published 2/17/11)
4. Fiscal, Dept. of Administration (published 2/17/11)
7. Fiscal, Dept. of Law (published 2/17/11)
8. Zero, Office of the Governor (published 2/17/11)

9. Zero, Dept. of Corrections (published 4/6/11)
10. Zero, Senate Finance Committee/Dept. of Public Safety (published 4/6/11)
11. Fiscal, Alaska Court System (published 4/16/11)

SB 84-VOC ED & BASIC FUNDING/TAX CREDITS/PILOT

6. Fiscal, Dept. of Education & Early Development (published 4/15/11)
7. Fiscal, Dept. of Education & Early Development (published 4/15/11)
8. Fiscal, Conference Committee/Dept. of Education & Early Development (published 6/3/11)

SB 108-SPC. STEPHEN "MAX" CAVANAUGH OVERPASS

2. Fiscal, Conference Committee/Dept. of Transportation & Public Facilities (published 6/3/11)

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 Feige – from noon, July 15 to midnight, July 31

Representative Fairclough – from:

- 6:00 a.m., July 5 to 11:00 p.m., July 15;
- 6:00 a.m., August 5 to midnight, August 15;
- 6:00 a.m., September 8 to 11:00 p.m., September 24 (amended from page 1030);
- 6:00 a.m., October 2 to 11:00 p.m., October 7; and
- 6:00 a.m., November 10 to midnight, November 20

Representative Kawasaki – from 7:00 a.m., July 29 to 11:00 p.m., August 3; and from 7:00 a.m., August 7 to 11:00 p.m., August 12

Representative Tuck – from 11:00 a.m., June 28 to midnight, July 16; and from 7:00 a.m., September 16 to midnight, September 26

Representative Millett – from 11:00 a.m., June 28 to 10:00 a.m., June 29

HB 16

The following fiscal note, which was included in the packet that accompanied the conference committee with limited powers of free conference report on HB 108-APPROP: OPERATING BUDGET/LOANS/FUNDS (page 1287), was transmitted to the Office of the Governor June 14, 2011:

7. Fiscal, Conference Committee/Dept. of Health & Social Services (published 6/3/11)

for

SENATE CS FOR HOUSE BILL NO. 16(FIN)

"An Act extending the senior benefits payment program; and relating to income allowances for medical assistance recipients and Alaska Pioneers' Homes and Alaska Veterans' Homes residents."

Chapter No. 6, SLA 2011

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., June 28, 2011. There being no objection, the House adjourned at 6:55 p.m.

Suzi Lowell
Chief Clerk