

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Friday

January 27, 2012

Eleventh Day

Pursuant to adjournment the House was called to order by Speaker pro tempore Austerman at 10:33 a.m.

Roll call showed 37 members present. Representatives Chenault, Gatto, and Johnson had been excused from a call of the House today.

The invocation was offered by the Chaplain, Pastor Steve Evenson of the Seventh-day Adventist Churches of Juneau and Sitka. Representative T. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

O Heavenly Father:

Once again we have assembled for the business at hand. Once again we stand before you asking for divine guidance in matters of state. This body of individuals who represent the fair people of this great land has worked for the betterment of their fellow man. I pray that those efforts that have been discussed will be a benefit to those who work and play and live in this great state. That what is said and done will be a blessing to the people who are striving for a better life for themselves and their families.

May your spirit move upon our hearts here today that this assembly may be effective and efficient in their duties. And now bless the business at hand.

I ask this in the name of Jesus. Amen.

The Pledge of Allegiance was led by Representative Doogan.

CERTIFICATION OF THE JOURNAL

Representative P. Wilson, Acting Majority Leader, moved and asked unanimous consent that the journal for the ninth and tenth legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

COMMUNICATIONS

The following were received:

Dept. of Commerce, Community, & Economic Development
Division of Community & Regional Affairs
Alaska Taxable 2011
Volume LI
January 2012

Alaska Commercial Fishing and Agriculture Bank
2011 Annual Report
January 23, 2012
(as required by AS 44.81.200)

Dept. of Natural Resources
Division of Mining, Land and Water
2012 Report to the Legislature
Report on Identified R.S. 2477 Rights-of-Way
Notification of Annual Mining Report
Land Disposal Income Fund Report
Notification of Annual Report on the Status of Land in the
Land Disposal Bank
Notification of Annual Report on Water Removals and Exports
Notification of Interim Land Classifications
(Closing Land to Mineral Entry)
Summary of Cooperative Resource Management or
Development Agreements
January 2012
(as required by AS 19.30.400, 27.05.060, 38.04.022, 38.04.020,
46.15.020, 38.05.300, 38.05.027, respectively)

Dept. of Natural Resources
Division of Oil and Gas
Five-Year Program of Proposed Oil and Gas Lease Sales
January 2012
(as required by AS 38.05.180)

Alaska Commission on Postsecondary Education
Alaska Performance Scholarship Report
Available at www.APS.alaska.gov
(as required by AS 14.43.840)

REPORTS OF STANDING COMMITTEES

HB 235

The Transportation Committee considered:

HOUSE BILL NO. 235

"An Act relating to certain vehicles, including trailers; and relating to motor vehicle dealer advertising, motor vehicle dealer sales of used motor vehicles, motor vehicle sales contracts, motor vehicle service contracts, and motor vehicle sales financing."

The report was signed by Representative P. Wilson, Chair, with the following individual recommendations:

Do pass (5): Feige, Pruitt, Petersen, Gruenberg, P. Wilson

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Law

HB 235 was referred to the Labor & Commerce Committee.

HB 247

The State Affairs Committee considered:

HOUSE BILL NO. 247

"An Act establishing July 30 each year as Alaska National Guard Day."

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

Do pass (6): Johansen, Keller, Gruenberg, Seaton, Petersen, Lynn

The following fiscal note(s) apply:

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

HB 247 was referred to the Rules Committee for placement on the calendar.

HB 255

The Transportation Committee considered:

HOUSE BILL NO. 255

"An Act prohibiting the driver of a motor vehicle from reading or typing a text message or other nonvoice message or communication on a cellular telephone, computer, or personal data assistant while driving a motor vehicle."

The report was signed by Representative P. Wilson, Chair, with the following individual recommendations:

Do pass (5): Feige, Pruitt, Petersen, Gruenberg, P. Wilson

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Corrections
3. Zero, Alaska Court System
4. Zero, Dept. of Law
5. Indeterminate, Dept. of Administration

HB 255 was referred to the Judiciary Committee.

SCR 11

The State Affairs Committee considered:

SENATE CONCURRENT RESOLUTION NO. 11

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

and recommends it be replaced with:

HOUSE CS FOR SENATE CONCURRENT RESOLUTION NO. 11(STA)

Designating August 18, 2012, as Walter J. Hickel Day of the Arctic.

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

Do pass (6): Johansen, Keller, Gruenberg, Seaton, Petersen, Lynn

The following fiscal note(s) apply to HCS SCR 11(STA):

2. Zero, House State Affairs Committee

SCR 11 was referred to the Rules Committee for placement on the calendar.

REPORTS OF SPECIAL COMMITTEES**HCR 13**

The House Special Committee on Fisheries considered:

HOUSE CONCURRENT RESOLUTION NO. 13

Requesting the governor to designate one seat on the North Pacific Fishery Management Council for a sport fish licensee and one seat on the North Pacific Fishery Management Council for a subsistence user.

and recommends it be replaced with:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 13(FSH)

Requesting the governor to designate one seat on the North Pacific Fishery Management Council for a sport fish licensee and one seat on the North Pacific Fishery Management Council for an individual nominated by an Alaska Native organization that represents rural subsistence users.

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

Do pass (5): Kawasaki, Herron, Pruitt, Miller, Thompson

No recommendation (1): Austerman

The following fiscal note(s) apply to CSHCR 13(FSH):

1. Zero, House Special Committee on Fisheries/Office of the Governor

HCR 13 was referred to the Rules Committee for placement on the calendar.

HB 261

The House Special Committee on Fisheries considered:

HOUSE BILL NO. 261

"An Act relating to loans for the purchase of commercial fishing entry permits; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 261(FSH)
(same title)

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

Do pass (4): Miller, Austerman, Herron, Thompson

No recommendation (2): Pruitt, Kawasaki

The following fiscal note(s) apply to CSHB 261(FSH):

1. Zero, Dept. of Fish & Game
2. Fiscal, Dept. of Commerce, Community, & Economic Development

HB 261 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 - Jujiro Wada
By Representative Kawasaki

Honoring - U.S. Coast Guard Cutter *Healy*
By Senator Olson; Representative Foster

In Memoriam - James C. Knapp
By Senator Huggins; Representative Neuman

In Memoriam - Theodore G. Smith
By Senator Huggins; Representative Neuman

In Memoriam - Bruce Hall Babcock
By Senator Huggins; Representative Neuman

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 143**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 143 by
Representatives Petersen, Tuck, Gara, Kawasaki, and Kerttula,
entitled:

"An Act providing an increase and an inflation adjustment to the base student allocation used in the formula for state funding of public education; requiring a review and recommendation for future adjustments to the base student allocation; and providing for an effective date."

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

HB 299

HOUSE BILL NO. 299 by Representatives Thompson, Gara, Costello, and Gruenberg, entitled:

"An Act allowing appropriations to the civil legal services fund from court filing fees."

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

HB 300

HOUSE BILL NO. 300 by the House Rules Committee by request, entitled:

"An Act relating to geographic cost-of-living salary adjustments for justices of the supreme court and judges of the superior and district courts; and providing for an effective date."

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

HB 301

HOUSE BILL NO. 301 by Representatives Austerman, Chenault, Gardner, P. Wilson, Foster, Joule, Edgmon, Kerttula, Olson, and Herron, entitled:

"An Act amending the termination date of certain statutes relating to the use, operation, and regulation of boats, a uniform state waterway marking system, and civil liability for boat owners; providing for an effective date by amending the effective date of secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27, ch. 28, SLA 2000, as amended; and providing for an effective date."

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

HB 302

HOUSE BILL NO. 302 by Representatives Seaton and Kawasaki, entitled:

"An Act repealing certain audit requirements for entities receiving contributions from permanent fund dividends."

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

HB 303

HOUSE BILL NO. 303 by Representatives Gara and Kerttula, entitled:

"An Act relating to suspended imposition of sentence for certain criminal offences."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 131

The following was read the second time:

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."

with the:

Journal Page

TRA RPT CS(TRA) 4DP 3NR	546
FN1: (DOT)	547
FIN RPT CS(TRA) 10DP	986
FN2: (DOT)	987

The Rules Committee submitted the following updated fiscal note:

3. Fiscal, Dept. of Transportation & Public Facilities

Representative P. Wilson moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

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

Representative Johansen objected and withdrew the objection. There being no further objection, CSHB 131(TRA) was adopted.

Amendment No. 1 was offered by Representative Saddler:

Page 3, line 1:

Delete "30 days"

Insert "60 days"

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted.

Representative P. Wilson moved and asked unanimous consent that CSHB 131(TRA) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 131(TRA) am was read the third time.

The question being: "Shall CSHB 131(TRA) am pass the House?"
The roll was taken with the following result:

CSHB 131(TRA) am

Third Reading

Final Passage

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

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

Excused: Chenault, Gatto, Johnson

Absent: Joule, Keller

And so, CSHB 131(TRA) am passed the House.

Representative P. Wilson 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.

CSHB 131(TRA) am was referred to the Chief Clerk for engrossment.

**Representatives Costello and Fairclough, who were excused (page 1394), left the Chamber.

LEGISLATIVE CITATIONS

Representative P. Wilson 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 - Jason W. Brune

By Senator Giessel; Representatives Costello, Chenault, Cissna, 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, Thomas, Thompson, Tuck, P. Wilson, T. Wilson

Honoring - Scott McKim

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

Honoring - Reverend Jesse and Lillian Faye Johnson Mitchell, 50th Wedding Anniversary

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

Honoring - Ducks Unlimited - 75th Anniversary

By Senator Wielechowski; Representatives Gara, Chenault, Austerman, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gardner, Gatto, 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

UNFINISHED BUSINESS

Representative P. Wilson moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Foster – from noon, January 28 to 8:00 p.m., January 29

HJR 29

Representatives Joule, Stoltze, Costello, Pruitt, Munoz, Lynn, Gardner, T. Wilson, Petersen, Doogan, Foster, Gara, Neuman, Holmes, P. Wilson, Miller, Seaton, Edgmon, Dick, Austerman, Johansen, and Herron added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 29

Urging the United States Department of the Interior, Bureau of Land Management, to plug legacy wells properly and to reclaim the legacy well sites as soon as possible in order to protect the environment in the Arctic region.

HJR 31

Representative Doogan added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 31

Urging the President of the United States and the United States Congress to acquire the area commonly known as Central Park on Manhattan in New York City on behalf of the federal government;

urging the United States Congress to declare Central Park to be a wilderness area and to prohibit any further improvement or development of Central Park unless authorized by an Act of Congress.

HB 25

Representative Miller added his name as cosponsor to:

HOUSE BILL NO. 25

"An Act making sales of and offers to sell certain energy resources in this state by a refiner at prices that are exorbitant or excessive an unlawful act or practice under the Alaska Unfair Trade Practices and Consumer Protection Act."

HB 49

Representative Miller added his name as cosponsor to:

HOUSE BILL NO. 49

"An Act establishing in the Department of Education and Early Development a voluntary parent and early childhood education program for pre-elementary aged children."

HB 79

Representative Tuck added his name as cosponsor to:

HOUSE BILL NO. 79

"An Act requiring insurance coverage for autism spectrum disorders, describing the method for establishing a covered treatment plan for those disorders, and defining the covered treatment for those disorders; and providing for an effective date."

HB 131

Representatives Kerttula, Cissna, Guttenberg, P. Wilson, Saddler, Neuman, and Johansen added their names as cosponsors to:

CS FOR HOUSE BILL NO. 131(TRA) am

"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 180

Representative Gardner added her name as cosponsor to:

HOUSE BILL NO. 180

"An Act authorizing the Department of Administration to note a person's status as a veteran on the person's driver's license and to provide certain information to the Department of Military and Veterans' Affairs."

HB 194

Representatives Guttentberg and Holmes added their names as cosponsors to:

HOUSE BILL NO. 194

"An Act making a special appropriation to the Alaska permanent fund; making an appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

HB 247

Representatives Gruenberg, Seaton, Keller, and Pruitt added their names as cosponsors to:

HOUSE BILL NO. 247

"An Act establishing July 30 each year as Alaska National Guard Day."

HB 254

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 254

"An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."

HB 255

Representative Gardner added her name as cosponsor to:

HOUSE BILL NO. 255

"An Act prohibiting the driver of a motor vehicle from reading or typing a text message or other nonvoice message or communication on a cellular telephone, computer, or personal data assistant while driving a motor vehicle."

HB 276

Representative T. Wilson added her name as cosponsor to:

HOUSE BILL NO. 276

"An Act providing for a credit against the oil and gas production tax for costs incurred in drilling certain oil or natural gas exploration wells in the Nenana Basin."

HB 282

Representatives Seaton, Gara, Pruitt, and Dick added their names as cosponsors to:

HOUSE BILL NO. 282

"An Act relating to applying military education, training, and service credit to occupational licensing and certain postsecondary education and employment training requirements; and providing for a temporary occupational license for qualified military service members."

HB 293

Representatives Dick, Petersen, Munoz, Foster, and Doogan added their names as cosponsors to:

HOUSE BILL NO. 293

"An Act relating to the rights of crime victims; relating to the duties of prosecuting attorneys; and amending Rule 45, Alaska Rules of Criminal Procedure."

SCR 11

Representatives Keller, Lynn, Petersen, and Seaton added their names as cross sponsors to:

SENATE CONCURRENT RESOLUTION NO. 11

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

ENGROSSMENT**HB 131**

CSHB 131(TRA) am was engrossed, signed by the Speaker pro tempore and Chief Clerk, and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative P. Wilson moved and asked unanimous consent that the House adjourn until 11:00 a.m., January 30, 2012. There being no objection, the House adjourned at 11:39 a.m.

Suzi Lowell
Chief Clerk