

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Friday

February 17, 2012

#### Thirty-second Day

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

Roll call showed 33 members present. Representatives Austerman, Edgmon, Gatto, Keller, Petersen, and Saddler had been excused from a call of the House today. Representative Stoltze was absent and his presence was noted later.

The invocation was offered by the Chaplain, Pastor Sue Bahleda of Resurrection Lutheran Church. Representative T. 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:

Mighty One, we thank you for this day. May its light break into our preoccupations that we may be delighted by it and be renewed and strengthened for the work before us. We pray this day for this body, this house. Fill it with all truth and peace. Where it is right, strengthen it. Where it is amiss, direct it. Where it is in need, provide for it. Where it is divided, reunite it. We ask this in hope and confidence for the sake of those gathered here who gladly serve and for the sake of the ones scattered throughout this state who trust in their service. Amen.

The Pledge of Allegiance was led by Representative Hawker.

### **CERTIFICATION OF THE JOURNAL**

Representative P. Wilson, Acting Majority Leader, moved and asked unanimous consent that the journal for the 30<sup>th</sup> and 31<sup>st</sup> legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE SENATE**

#### **HB 311**

A message dated February 15, 2012, was read stating the President granted limited powers of free conference to the Senate members of the Conference Committee considering:

CS FOR HOUSE BILL NO. 311(STA) am

"An Act relating to the filing of information with the Alaska Public Offices Commission; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 311(RLS)  
(same title)

The Speaker granted the limited powers of free conference as requested (page 1598).

#### **HB 311**

A message dated February 15, 2012, was read stating the Senate adopted the Conference Committee with limited powers of free conference report on CSHB 311(STA) am and SCS CSHB 311(RLS), thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 311

"An Act relating to the filing of information with, and to information filed with, the Alaska Public Offices Commission; and providing for an effective date."

(technical title change)

The House adopted CCS HB 311 (page 1600).

CCS HB 311 was referred to the Chief Clerk for engrossment and enrollment (page 1601).

A message dated February 15, 2012, was read stating the Senate passed the following, and they are transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE RESOLUTIONS**

**SCR 21**

SENATE CONCURRENT RESOLUTION NO. 21 am by the Senate Education Committee:

Relating to an amendment to Rule 20(a), Uniform Rules of the Alaska State Legislature, relating to standing committees.

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

**SJR 16**

SENATE JOINT RESOLUTION NO. 16 by Senators Wielechowski, Coghill, Dyson, French, Wagoner, Meyer, Ellis, Menard, Davis, Egan, Stedman, Thomas, and Stevens:

Urging the United States Congress to approve legislation allowing members of the military to receive promised retirement benefits.

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs.

**COMMUNICATIONS**

Letters of disclosure, as required by AS 24.60, were published in House Journal Supplement No. 4 and Senate and House Joint Journal Supplement No. 11.

The following was received:

Dept. of Administration  
Division of Personnel & Labor Relations  
2012 Progress Report on Equal Employment Opportunity and  
Affirmative Action in Alaska State Government  
February 15, 2012  
(as required by AS 39.28.020)

\*\*The presence of Representative Stoltze was noted.

### REPORTS OF STANDING COMMITTEES

#### **HB 55**

The Judiciary Committee considered:

##### HOUSE BILL NO. 55

"An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law."

and recommends it be replaced with:

##### CS FOR HOUSE BILL NO. 55(JUD)

"An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law; and relating to reserving the authority to regulate knives to the state with limited exceptions for municipalities to regulate knives."

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

Do pass (6): Lynn, Gruenberg, Keller, Thompson, Holmes, Gatto

The following fiscal note(s) apply to CSHB 55(JUD):

1. Zero, Dept. of Law

HB 55 was referred to the Rules Committee for placement on the calendar.

#### **HB 118**

The Finance 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(FIN)

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

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

Do pass (2): Neuman, Costello

No recommendation (4): T. Wilson, Edgmon, Stoltze, Thomas

Amend (3): Gara, Guttenberg, Doogan

The following fiscal note(s) apply to CSHB 118(FIN):

2. Zero, Dept. of Labor & Workforce Development
3. Indeterminate, Dept. of Revenue

HB 118 was referred to the Rules Committee for placement on the calendar.

#### **HB 264**

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 264

"An Act allowing a deferral of municipal property taxes on the increase in the value of real property attributable to subdivision of that property; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 264(CRA)  
(same title)

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

Do pass (5): Austerman, Cissna, Gardner, Foster, Munoz

The following fiscal note(s) apply to CSHB 264(CRA):

1. Zero, Dept. of Commerce, Community, & Economic Development

HB 264 was referred to the Finance Committee.

**HB 296**

The Judiciary Committee considered:

HOUSE BILL NO. 296

"An Act relating to service of process on prisoners; relating to the crime of escape; relating to the definition of 'correctional facility'; amending Rule 4, Alaska Rules of Civil Procedure; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 296(JUD)

"An Act relating to service of process on prisoners; relating to the crime of escape; deleting the repeal of a provision relating to electronic monitoring as a special condition of probation and parole for offenders whose offense was related to a criminal street gang; amending Rule 4, Alaska Rules of Civil Procedure; and providing for an effective date."

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

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

No recommendation (1): Keller

The following fiscal note(s) apply to CSHB 296(JUD):

1. Zero, Dept. of Corrections
2. Zero, Dept. of Law
3. Indeterminate, Dept. of Administration

HB 296 was referred to the Finance Committee.

**SB 30**

The Judiciary Committee considered:

CS FOR SENATE BILL NO. 30(2d JUD)

"An Act providing for the release of certain property in the custody of a law enforcement agency to a crime victim under certain conditions and relating to requests for that release by the office of victims' rights."

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

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

The following fiscal note(s) apply:

3. Zero, Dept. of Public Safety
4. Indeterminate, Dept. of Law
5. Zero, Legislative Agency

CSSB 30(2d JUD) was referred to the Finance Committee.

**REPORTS OF SPECIAL COMMITTEES****HJR 34**

The House Special Committee on Military & Veterans' Affairs considered:

HOUSE JOINT RESOLUTION NO. 34

Urging the United States Congress to fund all the facilities and vessels necessary for the United States Coast Guard to fulfill its Arctic missions, including icebreakers and an Arctic Coast Guard base.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 34(MLV)  
(same title)

The report was signed by Representative Thompson, Co-chair, with the following individual recommendations:

Do pass (4): Miller, Lynn, Cissna, Thompson

The following fiscal note(s) apply to CSHJR 34(MLV):

1. Zero, Legislative Agency

HJR 34 was referred to the State Affairs Committee.

**HB 316**

The House Special Committee on Military & Veterans' Affairs considered:

HOUSE BILL NO. 316

"An Act relating to military facility zones in the state; relating to the development of housing in military facility zones; relating to the financing of projects in military facility zones; and providing for an effective date."

The report was signed by Representative Thompson, Co-chair, with the following individual recommendations:

Do pass (2): Lynn, Thompson

No recommendation (1): Miller

Amend (1): Cissna

The following fiscal note(s) apply:

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Dept. of Military & Veterans' Affairs
3. Zero, Dept. of Revenue

HB 316 was referred to the State Affairs Committee.



**INTRODUCTION OF CITATIONS**

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

Honoring - Dr. Virginia Degnan  
By Representative Foster; Senator Olson

Honoring - Jeff Lowenfels  
By Representative Gardner

Honoring - Louis "Louie" Bencardino  
By Representative Seaton; Senator Stevens

In Memoriam - Roger Henderson  
By Representative Gardner

In Memoriam - Edgar Walker  
By Representative Feige

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE RESOLUTIONS****HCR 24**

HOUSE CONCURRENT RESOLUTION NO. 24 by Representatives Stoltze, Neuman, Costello, Thompson, Fairclough, Munoz, Lynn, Kerttula, and Pruitt:

Relating to the establishment and operation of a state food resource development working group.

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

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF HOUSE BILLS****HB 303**

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

"An Act relating to suspended imposition of sentence for certain misdemeanor criminal offences; relating to conditions of probation for criminal defendants; and relating to parole conditions for parolees."

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

**HB 323**

HOUSE BILL NO. 323 by Representatives T. Wilson and Thompson, entitled:

"An Act relating to the Alaska energy efficient home grant fund; and creating a grant program for converting homes in regions designated as particulate matter nonattainment areas to efficient home heating systems."

was read the first time and referred to the House Special Committee on Energy and the Finance Committee.

**HB 324**

HOUSE BILL NO. 324 by Representative Millett, entitled:

"An Act reducing the excise tax on beverages having a content of more than 21 percent alcohol by volume."

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

**HB 325**

HOUSE BILL NO. 325 by Representatives Austerman, Seaton, Foster, P. Wilson, Herron, Edgmon, Joule, and Kerttula, entitled:

"An Act establishing an Alaska coastal management program."

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

**HB 326**

HOUSE BILL NO. 326 by Representative Guttenberg, entitled:

"An Act requiring health care insurers to offer a child-only policy; and providing for an effective date."

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

**HB 327**

HOUSE BILL NO. 327 by Representative Lynn, entitled:

"An Act making privileged certain communications between employees and employee union representatives; and amending Rule 402 and Rule 501, Alaska Rules of Evidence."

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

**HB 328**

HOUSE BILL NO. 328 by Representative Seaton, entitled:

"An Act relating to the oil and gas corporate income tax; relating to the credits against the oil and gas corporate income tax; making conforming amendments; and providing for an effective date."

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

**HB 329**

HOUSE BILL NO. 329 by Representative Johansen, entitled:

"An Act amending the tax rates for taxes levied on corporations under the Alaska Net Income Tax Act; and providing for an effective date."

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

**HB 330**

HOUSE BILL NO. 330 by Representative Dick, entitled:

"An Act establishing a Joint Legislative Task Force on Education Standards; requiring the Department of Labor and Workforce Development to provide information and resources to the task force; establishing state education standards; amending the authority of the Department of Education and Early Development to adopt education standards; and providing for an effective date."

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

**HB 331**

HOUSE BILL NO. 331 by Representative Millett, entitled:

"An Act requiring the Department of Commerce, Community, and Economic Development to conduct a national marketing campaign to promote natural resource development on federal land in the state."

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

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 274**

The following was read the second time:

HOUSE BILL NO. 274

"An Act relating to the exemption of certain acts and transactions from the provisions dealing with unfair methods of competition and unfair or deceptive acts or practices."

with the:

Journal Page

L&C RPT 4DP 1NR

1592

FN1: ZERO(LAW)

1593

Representative P. Wilson moved and asked unanimous consent that HB 274 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 274 was read the third time.

The question being: "Shall HB 274 pass the House?" The roll was taken with the following result:

HB 274

Third Reading

Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 6 ABSENT: 0**

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

Excused: Austerman, Edgmon, Gatto, Keller, Petersen, Saddler

And so, HB 274 passed the House and was referred to the Chief Clerk for engrossment.

### 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 - Craige and Kathy Baker, 2011 Farm Family of the Year

By Representatives Feige, Stoltze, Chenault, Austerman, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, 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

In Memoriam - Nelson Bryan Miles

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

In Memoriam - Father Joseph P. Kreta

By Senator Stevens; Representatives 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, 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 members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Millett – from noon, today to 10:15 a.m., February 20

Representative Guttenberg – from 5:00 a.m., February 18 to 10:00 p.m., February 19

Representative T. Wilson – from noon, today to 10:00 a.m., February 20

Representative Joule – from 7:00 a.m., February 22 to 9:00 p.m., February 25

Representative Gruenberg – from 5:30 p.m., March 9 to 10:00 p.m., March 11

### HJR 26

Representative Gardner added her name as cosponsor to:

#### HOUSE JOINT RESOLUTION NO. 26

Urging federal agencies to work with the Alaska Department of Fish and Game, Southeast Alaska Native leaders, and other interested parties to establish strategies and plans for the sustainable management of the reintroduced sea otter population of Southeast Alaska.

### HB 274

Representatives Kerttula, Gara, and Doogan added their names as cosponsors to:

**HOUSE BILL NO. 274**

"An Act relating to the exemption of certain acts and transactions from the provisions dealing with unfair methods of competition and unfair or deceptive acts or practices."

**SJR 16**

Representative Lynn added his name as cross sponsor to:

**SENATE JOINT RESOLUTION NO. 16**

Urging the United States Congress to approve legislation allowing members of the military to receive promised retirement benefits.

**ENGROSSMENT****HB 274**

HB 274 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**ENGROSSMENT AND ENROLLMENT****HB 311**

The following was engrossed and enrolled, signed by the Speaker pro tempore and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:29 a.m., February 16, 2012:

**CONFERENCE CS FOR HOUSE BILL NO. 311**

"An Act relating to the filing of information with, and to information filed with, the Alaska Public Offices Commission; and providing for an effective date."

**ANNOUNCEMENTS**

House committee schedules are published under separate cover.

Personal Bill Deadline

4:00 p.m., 2/20

**ADJOURNMENT**

Representative P. Wilson moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 20, 2012. There being no objection, the House adjourned at 10:59 a.m.

Suzi Lowell  
Chief Clerk