

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Monday

February 20, 2012

Thirty-fifth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:03 a.m.

Roll call showed 36 members present. Representatives Gara and Johnson had been excused from a call of the House today. Representative Dick was absent and his presence was noted later.

Representative Austerman moved and asked unanimous consent that Representative Kerttula 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 Reverend Dr. Douglas Dye of Chapel by the Lake Presbyterian 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.

Eternal and loving God, we give you thanks for the gift of this day. The Psalmist in the Hebrew Scriptures declared: *The whole earth is filled with awe at your wonders; where morning dawns, where evening fades, you call forth songs of joy. (Psalm 65:8)*

So on this new day as the morning has dawned, remind us of the beauty of life and the wonder of creation. We thank you, heavenly Father, for the bounty and grandeur of Alaska. We thank you for its people and the gift of living in a place where creation speaks so eloquently of your divine presence and glory.

Bless these women and men, whom you have called to serve in this legislative body, as they work for the good of Alaska and its people. I ask, loving and eternal God, that you give them energy, wisdom, and a hunger to serve well as they face the challenging and complex tasks of governing. Encourage them in their work. And please, dear God, protect and bless their families as distance separates them during the legislative session.

Divine and gracious Father, at the end of this day when the evening fades and night arrives, may they be filled with a song of joy because they know you are with them and you have blessed them with life and the great privilege of serving others. I ask these things in the name of my Lord, Jesus. Amen.

The Pledge of Allegiance was led by Representative Herron.

CERTIFICATION OF THE JOURNAL

Representative Austerman moved and asked unanimous consent that the journal for the 32nd, 33rd, and 34th legislative days and House Journal Supplement No. 4 and Senate and House Joint Journal Supplement No. 11 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

* * * * *

Representative Gardner introduced Summer Putman, Guest Page, from Juneau.

MESSAGES FROM THE SENATE

HB 19

A message dated February 17, 2012, was read stating the Senate adopted the Conference Committee with limited powers of free conference report on HB 19 and SCS HB 19(STA), thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 19

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

The House adopted CCS HB 19 (page 1083).

CCS HB 19 was referred to the Chief Clerk for engrossment and enrollment.

A message dated February 17, 2012, was read stating the Senate passed the following, and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS**

SCR 17

CS FOR SENATE CONCURRENT RESOLUTION NO. 17(STA) by the Senate State Affairs Committee:

Celebrating the 100th anniversary of the Girl Scouts of the United States of America and proclaiming 2012 as the Year of the Girl.

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

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 86

CS FOR SENATE BILL NO. 86(JUD)(efd am) by the Senate Judiciary Committee, entitled:

"An Act relating to the protection of property of persons under disability and minors; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; relating to the protection of vulnerable adults; making conforming amendments; amending Rules 12(h) and 45(a), Alaska Rules of Criminal Procedure, Rule 77, Alaska Rules of Civil Procedure, Rule 17, Alaska Rules of Probate Procedure, and Rule 9, Alaska Rules of Administration; and providing for an effective date."

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

COMMUNICATIONS

The following was received:

Dept. of Education & Early Development
Annual Report
February 15, 2012
(as required by AS 14.03.078)

REPORTS OF STANDING COMMITTEES

HJR 29

The Resources Committee considered:

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.

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

Do pass (8): Herron, P. Wilson, Gardner, Foster, Munoz, Dick, Seaton, Feige

Amend (1): Kawasaki

The following fiscal note(s) apply:

1. Zero, Legislative Agency

HJR 29 was referred to the Rules Committee for placement on the calendar.

HB 229

The Resources Committee considered:

HOUSE BILL NO. 229

"An Act relating to activities, including violations and penalties, under the supervision of the Big Game Commercial Services Board."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 229(RES)

"An Act relating to the duties of the Big Game Commercial Services Board; relating to activities, including violations and penalties, under the supervision of the Big Game Commercial Services Board; and creating a retired status master guide-outfitter license."

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

Do pass (6): Munoz, Foster, Dick, P. Wilson, Seaton, Feige

No recommendation (2): Gardner, Herron

Amend (1): Kawasaki

The following fiscal note(s) apply to CSHB 229(RES):

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

HB 229 was referred to the Judiciary Committee.

HB 314

The Labor & Commerce Committee considered:

HOUSE BILL NO. 314

"An Act extending the time period for which the Alaska Railroad Corporation may lease land without reserving the right to terminate the lease; and providing for an effective date."

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

Do pass (5): Chenault, Thompson, Holmes, Miller, Olson

The following fiscal note(s) apply:

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Dept. of Natural Resources

HB 314 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - Ginger George Smith
By Representatives Neuman, Cissna

Honoring - Harold Heinze
By Representative Millett; Senator McGuire

In Memoriam - Jim E. Robison
By Representative Thompson; Senator Thomas

In Memoriam - Andrew E. Hoge
By Representative Gruenberg

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 38

HOUSE JOINT RESOLUTION NO. 38 by Representative Keller:

Requesting the United States Congress to call a Constitutional Convention to propose an amendment to the Constitution of the United States requiring approval of a majority of state legislatures to increase the federal debt limit.

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

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 236**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 236 by Representatives Lynn, Munoz, Kerttula, Kawasaki, Miller, Tuck, Holmes, Guttenberg, Petersen, Gardner, and Gruenberg, entitled:

"An Act relating to new defined benefit tiers in the public employees' retirement system and the teachers' retirement system; providing certain employees an opportunity to choose between the defined benefit and defined contribution plans of the public employees' retirement system and the teachers' retirement system; and providing for an effective date."

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

HB 332

HOUSE BILL NO. 332 by Representative Herron, entitled:

"An Act establishing the Alaska Chinook research and restoration endowment fund and relating to grants from the fund."

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

HB 333

HOUSE BILL NO. 333 by Representative Hawker, entitled:

"An Act relating to public office expense term accounts and public office expense term account reserves."

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

HB 334

HOUSE BILL NO. 334 by Representative Petersen, entitled:

"An Act allowing a public utility to bill and collect certain payments for energy efficiency loans made by a third-party

financial institution; relating to the duties of the Alaska Housing Finance Corporation; and providing for an effective date."

was read the first time and referred to the House Special Committee on Energy and the Labor & Commerce Committee.

HB 335

HOUSE BILL NO. 335 by Representative Saddler, entitled:

"An Act relating to the permanent fund dividend eligibility of an athlete who is absent from the state for pre-Olympic training as a member of a United States National Team; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

The Speaker announced that the personal bill deadline is today at 4:00 p.m.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 281**

The following was read the second time:

HOUSE BILL NO. 281

"An Act establishing March 30 of each year as Welcome Home Vietnam Veterans Day."

with the:

Journal Page

MLV RPT 6DP

1553

FN1: ZERO(ADM)

1553

Representative Austerman moved and asked unanimous consent that HB 281 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 281 was read the third time.

**The presence of Representative Dick was noted.

The question being: "Shall HB 281 pass the House?" The roll was taken with the following result:

HB 281

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

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

Excused: Gara, Johnson, Kerttula

And so, HB 281 passed the House and was referred to the Chief Clerk for engrossment.

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

MESSAGES FROM THE SENATE

SB 86

The Speaker removed the Judiciary Committee referral (page 1631) for the following:

CS FOR SENATE BILL NO. 86(JUD)(efd am)

"An Act relating to the protection of property of persons under disability and minors; relating to the crime of violating a protective order concerning certain vulnerable persons; relating to aggravating factors at sentencing for offenses concerning a victim 65 years or older; relating to the protection of vulnerable adults; making conforming amendments; amending Rules 12(h) and 45(a), Alaska Rules of Criminal Procedure, Rule 77, Alaska Rules of Civil Procedure, Rule 17, Alaska Rules of Probate Procedure,

and Rule 9, Alaska Rules of Administration; and providing for an effective date."

(HB 150 Protection of Vulnerable Adults/Minors - companion bill)

CSSB 86(JUD)(efd am) was removed from the Judiciary Committee and referred to the Finance Committee.

The House advanced to:

CONSIDERATION OF THE DAILY CALENDAR

(continued)

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 - Dr. Virginia Degnan

By Representatives Foster, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, 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; Senator Olson

Honoring - Jeff Lowenfels

By Representatives Gardner, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, 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 - Louis "Louie" Bencardino

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

In Memoriam - Roger Henderson

By Representatives Gardner, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, 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

In Memoriam - Edgar Walker

By Representatives Feige, Chenault, 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, 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 Edgmon – from 5:30 a.m., February 23 to 11:00 p.m., February 26

Representative Saddler – from 6:00 a.m., February 24 to 11:00 p.m., February 26

Representative Johnson – from noon, February 24 to 9:46 a.m., February 27

Representative Pruitt – from 6:00 p.m., February 24 to 10:30 p.m., February 26

Representative Feige – from 6:30 p.m., February 24 to 10:00 p.m., February 26

Representative Neuman – from 5:00 p.m., February 24 to 9:34 p.m., February 27

Representative Olson – from 6:00 p.m., February 22 to 3:00 p.m., February 26

HR 10

Representatives Thompson, Lynn, and P. Wilson added their names as cosponsors to:

HOUSE RESOLUTION NO. 10

Supporting the Electoral College and opposing the Agreement Among the States to Elect the President by National Popular Vote interstate compact.

HJR 10

Representative Miller added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 10

Supporting expanded research concerning the detrimental effects of ocean acidification.

HJR 26

Representative Gardner removed 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.

HJR 29

Representative Feige added his name as cosponsor 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.

HB 128

Representative Gruenberg added his name as cosponsor to:

HOUSE BILL NO. 128

"An Act relating to prohibiting the use of cellular telephones by minors when driving motor vehicles; and providing for an effective date."

HB 216

Representative Costello added her name as cosponsor to:

HOUSE BILL NO. 216

"An Act relating to deadlines in bills directing the adoption of regulations and to the informative summary required for the proposed adoption, amendment, or repeal of a regulation."

HB 242

Representative Kawasaki added his name as cosponsor to:

HOUSE BILL NO. 242

"An Act relating to funding for digital learning as a component of public school funding."

HB 259

Representative Olson added his name as cosponsor to:

HOUSE BILL NO. 259

"An Act establishing procedures and guidelines for auditing pharmacy records; and providing for an effective date."

HB 281

Representatives Gruenberg, Pruitt, Tuck, Millett, T. Wilson, Olson, Hawker, Keller, and Fairclough added their names as cosponsors to:

HOUSE BILL NO. 281

"An Act establishing March 30 of each year as Welcome Home Vietnam Veterans Day."

HB 328

Representative Gardner added her name as cosponsor to:

HOUSE BILL NO. 328

"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."

SJR 14

Representative Saddler added his name as cross sponsor to:

CS FOR SENATE JOINT RESOLUTION NO. 14(STA)

Urging the United States Department of Defense to protect military bases and military personnel in the state for the defense and protection of the state and the nation.

ENGROSSMENT

HB 281

HB 281 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.

Personal Bill Deadline

4:00 p.m., today

ADJOURNMENT

Representative Austerman moved and asked unanimous consent that the House adjourn until 10:30 a.m., February 22, 2012. There being no objection, the House adjourned at 11:49 a.m.

Suzi Lowell
Chief Clerk