

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SIXTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Monday

March 1, 2010

#### Forty-second Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:04 a.m.

Roll call showed 33 members present. Representatives Gatto, Keller, Kelly, and Lynn had been excused from a call of the House today. Representative Hawker was absent and his presence was noted later.

Representative Johansen moved and asked unanimous consent that Representatives Harris and Holmes 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 Murray Richmond. Representative P. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

In deepest respect for the religious beliefs of each person here,  
I invite you into a time of prayer and reflection. Let us pray.

O Light of Lights,

We gather here today on this day which is like so many other days. Today is a normal day. We will do our work, sometimes wholeheartedly, sometimes with reluctance. We will joke with friends, spar with opponents, share food with others, celebrate joys, think great thoughts, and think not-so-great thoughts.

And yet today is NOT an ordinary day. Today is the day when we can make a difference in the world. Today is a day when we can do our part to make this world a better place. Today is a day when we can serve the interests of the universe; serve the God we may worship by serving others.

We have this opportunity before us not because we work in this body, but because we are human and because we will be around others all day. Today we can throw some laughter in the face of gloom. Today we can encourage the faint hearted. Today we can provide a smile and a kind word to someone who has seen too many frowns and heard too many ill words. Today we can lend our ears to listen to those who need to be heard. Today we can offer our gifts to those who have need of them and receive from others as they offer their gifts to us.

Today is not an ordinary day for it is a day of opportunity and a day of challenge. There are not ordinary moments in a day for each moment we have in this life is precious. And we do not interact with ordinary people for each among us is also a precious gift. We live in a world where there are no small moments and no small people. The prospects of this day are overwhelming and were we to consider how extraordinary our moments are, how extraordinary our colleagues are, how extraordinary this world is, we would seek to appreciate them and invest in them with utmost vigor.

Give us a vision to see this day for what it is and to see those around us for who they are. Give us the ability to see the myriad of gifts that surround us and help us to not only enjoy those blessings we have but also to be a blessing to others. Give us a vision to see our work as a holy work and to see our interactions, all of them, as holy moments, each a gift and each an opportunity. Give us a vision to be as good a people as we can to serve divinity and humanity. Amen.

The Pledge of Allegiance was led by Representative Joule.

**CERTIFICATION OF THE JOURNAL**

Representative Johansen moved and asked unanimous consent that the journal for the 39<sup>th</sup>, 40<sup>th</sup>, and 41<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**

A message dated February 26, 2010, was read stating the Senate passed the following, and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 199**

SENATE BILL NO. 199 by Senators Ellis, Davis, Egan, French, Menard, Olson, Paskvan, Thomas, Wielechowski, Kookesh, Wagoner, Huggins, and McGuire, entitled:

"An Act providing for a two-year funding cycle for medical assistance coverage for dentures."

was read the first time and referred to the Health & Social Services and Finance Committees.

**COMMUNICATIONS**

The following was received:

Dept. of Health & Social Services  
Alaska Commission on Aging  
FY 2009 Annual Report  
(as required by AS 47.45.240)

**REPORTS OF STANDING COMMITTEES****HB 52**

The Judiciary Committee considered:

## HOUSE BILL NO. 52

"An Act authorizing psychological counseling for jurors serving in criminal trials who are traumatized by graphic evidence or testimony."

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

Do pass (5): Lynn, Gruenberg, Herron, Dahlstrom, Ramras

The following fiscal note(s) apply:

1. Fiscal, Alaska Court System

HB 52 was referred to the Finance Committee.

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

**HB 138**

The Judiciary Committee considered:

## HOUSE BILL NO. 138

"An Act relating to cruelty to animals."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 138(JUD)

"An Act relating to penalties for cruelty to animals; and relating to aggravating factors at sentencing involving assaultive behavior and cruelty to animals."

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

Do pass (2): Lynn, Gruenberg

No recommendation (3): Herron, Dahlstrom, Ramras

The following fiscal note(s) apply to CSHB 138(JUD):

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

HB 138 was referred to the Finance Committee.

**HB 245**

The Labor & Commerce Committee considered:

HOUSE BILL NO. 245

"An Act relating to licensure as an optometrist; establishing a retired status optometrist license; and providing for an effective date."

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

Do pass (3): Lynn, Neuman, Olson

No recommendation (3): Buch, Chenault, T. Wilson

The following fiscal note(s) apply:

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

HB 245 was referred to the Finance Committee.

**HB 323**

The Judiciary Committee considered:

HOUSE BILL NO. 323

"An Act increasing the number of superior court judges designated for the third judicial district; and providing for an effective date."

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

Do pass (4): Lynn, Gruenberg, Dahlstrom, Ramras

No recommendation (1): Herron

The following fiscal note(s) apply:

1. Zero, Alaska Court System
2. Fiscal, Alaska Court System

HB 323 was referred to the Finance Committee.

**HB 331**

The Judiciary Committee considered:

HOUSE BILL NO. 331

"An Act relating to funding for youth courts; and relating to accounting for criminal fines."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 331(JUD)  
(same title)

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

Do pass (5): Lynn, Gruenberg, Herron, Dahlstrom, Ramras

The following fiscal note(s) apply to CSHB 331(JUD):

1. Zero, Dept. of Health & Social Services

HB 331 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 - Alaska Office of Boating Safety, Raising Boater Awareness

By Senator Huggins; Representative Neuman

In Memoriam - Thomas E. Logan  
 By Senator Huggins; Representatives Neuman, Stoltze

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE BILLS**

**HB 315**

The following was read the second time:

HOUSE BILL NO. 315

"An Act relating to public accounting; and providing for an effective date."

with the:	Journal Page
L&C RPT 2DP 4NR	1503
FN1: ZERO(CED)	1503
FIN RPT 11DP	1573
FN1: ZERO(CED)	1573

Representative Johansen moved and asked unanimous consent that HB 315 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 315 was read the third time.

The question being: "Shall HB 315 pass the House?" The roll was taken with the following result:

HB 315

Third Reading

Final Passage

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

Yeas: Austerman, Buch, Chenault, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N.Foster, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Herron, Johansen, Johnson, Joule, Kawasaki, Kerttula, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P.Wilson, T.Wilson

HOUSE JOURNAL

1628

March 1, 2010

Excused: Gatto, Harris, Holmes, Keller, Kelly, Lynn

And so, HB 315 passed the House.

Representative Johansen 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.

HB 315 was referred to the Chief Clerk for engrossment.

**HB 345**

The following was read the second time:

HOUSE BILL NO. 345

"An Act designating the bridge to be built on the Dalton Highway at approximately mile post 308 as the Sam Schuyler Memorial Bridge."

with the:

Journal Page

TRA RPT 6DP

1574

FN1: ZERO(DOT)

1574

Representative Johansen moved and asked unanimous consent that HB 345 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 345 was read the third time.

The question being: "Shall HB 345 pass the House?" The roll was taken with the following result:

HB 345

Third Reading

Final Passage

**YEAS: 33 NAYS: 0 EXCUSED: 6 ABSENT: 1**



Yeas: Austerman, Buch, Chenault, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N.Foster, Gara, Gardner, Guttenberg, Hawker, Herron, Johansen, Johnson, Joule, Kawasaki, Kerttula, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P.Wilson, T.Wilson

Excused: Gatto, Harris, Holmes, Keller, Kelly, Lynn

Absent: Gruenberg

And so, HB 345 passed the House and was referred to the Chief Clerk for engrossment.

## SECOND READING OF HOUSE RESOLUTIONS

### HJR 40

The following was read the second time:

#### HOUSE JOINT RESOLUTION NO. 40

Oposing the proposed designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales.

with the:	Journal Page
RES RPT CS(RES) 3DP 2NR	1594
FN1: ZERO(H.RES)	1594

Representative Johansen moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original resolution:

CS FOR HOUSE JOINT RESOLUTION NO. 40(RES)  
(same title)

There being no objection, it was so ordered.

Representative Johansen moved and asked unanimous consent that CSHJR 40(RES) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection and CSHJR 40(RES) was not advanced to third reading.

CSHJR 40(RES) was taken up later.

### LEGISLATIVE CITATIONS

Representative Johansen 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 - James Southam, 2010 U.S. Olympian

By Representatives Buch, Hawker, Chenault, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson

Honoring - Gina Palmer

By Representatives Johansen, Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson; Senator Stedman

Honoring - Jim Hickerson

By Senator Olson; Representatives N. Foster, Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson

In Memoriam - Corporal Gregory M.W. Fleury  
By Senator Meyer; Representatives Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson

### **UNFINISHED BUSINESS**

Representative Johansen 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 Holmes – from morning plane time, March 2 to morning plane time, March 8

Representative Herron – from morning plane time, March 2 to evening plane time, March 6

Representative Munoz – from 5:00 p.m., March 2 to 8:00 a.m., March 8

Representative Edgmon – from morning plane time, March 2 to evening plane time, March 7

Representative Millett – from morning plane time, March 2 to evening plane time, March 7

Representative Ramras – from morning plane time, March 2 to evening plane time, March 7; and from 11:45 a.m. to 1:15 p.m., March 8

Representative Harris – from morning plane time, March 2 to evening plane time, March 7

Representative Johnson – from 11:00 a.m., March 3 to afternoon plane time, March 8

HOUSE JOURNAL

1632

March 1, 2010

Representative Salmon – from evening plane time, March 3 to afternoon plane time, March 8

Representative Thomas – from morning plane time, March 3 to evening plane time, March 7

Representative Gardner – from morning plane time, March 3 to evening plane time, March 7

Representative Crawford – from 7:00 a.m., March 3 to evening plane time, March 7

Representative Kawasaki – from morning plane time, March 3 to morning plane time, March 8

Representative Seaton – from noon, March 3 to evening plane time, March 7

Representative Olson – from morning plane time, March 3 to evening plane time, March 7

Representative Lynn – from evening plane time, March 3 to morning plane time, March 8

Representative Dahlstrom – from noon, March 3 to morning plane time, March 8

Representative Fairclough – from morning plane time, March 3 to evening plane time, March 8

Representative Doogan – from morning plane time, March 4 to evening plane time, March 7

Representative Buch – from noon, March 4 to morning plane time, March 8

Representative Austerman – from noon, March 4 to evening plane time, March 7

Representative Neuman – from morning plane time, March 4 to evening plane time, March 7

Representative Gara – from evening plane time, March 5 to morning plane time, March 8

\* \* \* \* \*

Representative Guttenberg introduced Morgan Withers, Guest Page, from Fairbanks.

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

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF HOUSE RESOLUTIONS**

(continued)

**HJR 40**

Representative Johansen moved and asked unanimous consent that the following, which was not advanced to third reading (page 1630), be considered engrossed, advanced to third reading, and placed on final passage:

**CS FOR HOUSE JOINT RESOLUTION NO. 40(RES)**

Opposing the proposed designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales.

There being no objection, it was so ordered.

CSHJR 40(RES) was read the third time.

Representative Johansen placed a call of the House and lifted the call.

The question being: "Shall CSHJR 40(RES) pass the House?" The roll was taken with the following result:

CSHJR 40(RES)  
Third Reading  
Final Passage

**YEAS: 30 NAYS: 3 EXCUSED: 6 ABSENT: 1**

Yeas: Austerman, Buch, Chenault, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N.Foster, Gara, Gardner, Gruenberg, Hawker, Herron, Johansen, Johnson, Joule, Kawasaki, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Seaton, Stoltze, Thomas, Tuck, P.Wilson, T.Wilson

Nays: Guttenberg, Kerttula, Salmon

Excused: Gatto, Harris, Holmes, Keller, Kelly, Lynn

Absent: Cissna

And so, CSHJR 40(RES) passed the House.

Representative Johansen gave notice of reconsideration of the vote on CSHJR 40(RES).

### **RECONSIDERATION**

#### **HJR 40**

Representative Johansen moved and asked unanimous consent that reconsideration of CSHJR 40(RES) be taken up on the same day. There being no objection, it was so ordered.

CSHJR 40(RES) was again before the House in third reading.

The question to be reconsidered: "Shall CSHJR 40(RES) pass the House?" The roll was taken with the following result:

CSHJR 40(RES)  
Third Reading  
Final Passage  
Reconsideration

**YEAS: 31 NAYS: 2 EXCUSED: 6 ABSENT: 1**

Yeas: Austerman, Buch, Chenault, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N.Foster, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Herron, Johansen, Johnson, Joule, Kawasaki, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Seaton, Stoltze, Thomas, Tuck, P.Wilson, T.Wilson

Nays: Kerttula, Salmon

Excused: Gatto, Harris, Holmes, Keller, Kelly, Lynn

Absent: Cissna

And so, CSHJR 40(RES) passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

### UNFINISHED BUSINESS

#### **HJR 40**

Representatives Stoltze and Johansen added their names as cosponsors to:

CS FOR HOUSE JOINT RESOLUTION NO. 40(RES)

Opposing the proposed designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales.

#### **HB 274**

Representatives Neuman and Joule added their names as cosponsors to:

HOUSE BILL NO. 274

"An Act establishing August 7 as Purple Heart Day."

#### **HB 331**

Representative Dahlstrom added her name as cosponsor to:

HOUSE BILL NO. 331

"An Act relating to funding for youth courts; and relating to accounting for criminal fines."

**HB 365**

Representative Munoz added her name as cosponsor to:

## HOUSE BILL NO. 365

"An Act relating to sharing records regarding fish purchased by fish processors with certain federal agencies, to requirements to obtain and maintain a fisheries business license, and to payment of industry fees required of fish processors; and providing for an effective date."

**SB 199**

Representatives Neuman and Stoltze added their names as cross sponsors to:

## SENATE BILL NO. 199

"An Act providing for a two-year funding cycle for medical assistance coverage for dentures."

**HR 13**

Reconsideration of the following was not taken up on this legislative day. It was referred to the Chief Clerk for engrossment and enrollment:

## CS FOR HOUSE RESOLUTION NO. 13(RLS)

Encouraging the repeal of the Anchorage Vehicle Inspection and Management Program.

**ENGROSSMENT****HJR 40**

CSHJR 40(RES) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HB 315**

HB 315 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HB 345**

HB 345 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.

**ADJOURNMENT**

Representative Johansen moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 4, 2010, for a technical session. There being no objection, the House adjourned at 12:02 p.m.

Suzi Lowell  
Chief Clerk