

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-SIXTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Tuesday

March 23, 2010

#### Sixty-fourth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:37 a.m.

Roll call showed 35 members present. Representative Gatto had been excused from a call of the House today. Representatives Herron and Kelly were absent and their presence was noted later. Representative Dahlstrom was absent and later excused.

Representative Johansen moved and asked unanimous consent that Representative Salmon be excused from a call of the House today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, David Dierdorff of Juneau Unitarian Universalist Fellowship. Representative Gruenberg moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Please join me in reverence, each in your own way.

Great unknowable Spirit of Life, you have manifested yourself to us in many tongues, many forms, and at many times in our history. You have always taught us love, no matter the tongue; have always taught us respect, no matter the form; and have always taught us charity and tolerance, no matter the time. We have ignored or misused these messages too often.

Help the men and women of the House today as they work to solve the problems of governing our great land. Help them to remember what is important and what is fleeting; what must be solved and what can wait another day; what is the work of government and what is the work of our civic institutions and homes and churches.

Finally, help them to bridge the gaps that divide them. Their time in this building is finite, just as our time on earth. Help them find the wisdom and courage to serve the common good. So be it. Amen.

The Pledge of Allegiance was led by Representative Kerttula.

### **CERTIFICATION OF THE JOURNAL**

Representative Johansen moved and asked unanimous consent that the journal for the 63<sup>rd</sup> legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Neuman introduced Kasey Newman, Guest Page, from Willow.

### **MESSAGES FROM THE GOVERNOR**

#### **HB 274**

A message dated March 22, 2010, 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:

HOUSE BILL NO. 274

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

Chapter No. 2, SLA 2010

Effective Date: June 20, 2010

**MESSAGES FROM THE SENATE****HJR 24**

A message dated March 22, 2010, was read stating the Senate passed:

**HOUSE JOINT RESOLUTION NO. 24**

Urging the United States Congress and the United States Department of Agriculture to extend the basic housing allowance exclusion to all military families for purposes of the school nutrition program.

HJR 24 was referred to the Chief Clerk for enrollment.

A message dated March 22, 2010, was read stating the Senate passed the following, and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS****SB 209**

SENATE BILL NO. 209 by Senator Menard, entitled:

"An Act providing the Alaska State Council on the Arts the authority to adopt regulations relating to its statutory powers and duties; and providing for an effective date."

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

**REPORTS OF STANDING COMMITTEES****HB 202**

The Community & Regional Affairs Committee considered:

**HOUSE BILL NO. 202**

"An Act relating to state and municipal building code requirements for fire sprinkler systems in certain residential buildings."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 202(CRA)

"An Act relating to municipal building code requirements for fire sprinkler systems in certain residential buildings."

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

Do pass (2): Herron, Munoz

No recommendation (2): Harris, Gardner

The following fiscal note(s) apply to CSHB 202(CRA):

1. Zero, Dept. of Public Safety

HB 202 was referred to the Labor & Commerce Committee.

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

**HB 314**

The Finance Committee considered:

## HOUSE BILL NO. 314

"An Act relating to fees and charges for medical treatment or services, the crime of unsworn falsification, investigations, and penalties as they relate to workers' compensation; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 314(FIN)

"An Act relating to fees and charges for medical treatment or services, civil damages, and penalties as they relate to workers' compensation; and providing for an effective date."

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

Do pass (6): Gara, Thomas, N. Foster, Kelly, Fairclough, Stoltze

No recommendation (3): Doogan, Austerman, Salmon

The following fiscal note(s) apply to CSHB 314(FIN):

1. Zero, Dept. of Law
2. Fiscal, Dept. of Labor & Workforce Development

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

### **HB 363**

The Labor & Commerce Committee considered:

HOUSE BILL NO. 363

"An Act relating to the membership of the Alaska Industrial Development and Export Authority."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 363(L&C)  
(same title)

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

Do pass (5): Neuman, Lynn, Buch, T. Wilson, Olson

No recommendation (1): Holmes

The following fiscal note(s) apply to CSHB 363(L&C):

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

HB 363 was referred to the Rules Committee for placement on the calendar.

### **HB 377**

The Labor & Commerce Committee considered:

## HOUSE BILL NO. 377

"An Act exempting certain volunteer work by amateur sports officials from certain requirements of the Alaska Employment Security Act."

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

Do pass (5): Buch, Lynn, Holmes, T. Wilson, Olson

The following fiscal note(s) apply:

1. Zero, Dept. of Labor & Workforce Development

HB 377 was referred to the Rules Committee for placement on the calendar.

**HB 383**

The Labor & Commerce Committee considered:

## HOUSE BILL NO. 383

"An Act relating to the powers and duties of the Department of Natural Resources, including transferring certain powers and duties to the Department of Commerce, Community, and Economic Development."

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

Do pass (1): T. Wilson

No recommendation (4): Lynn, Buch, Holmes, Olson

Amend (1): Neuman

The following fiscal note(s) apply:

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

HB 383 was referred to the Resources Committee.

**HB 412**

The Labor & Commerce Committee considered:

## HOUSE BILL NO. 412

"An Act establishing the Alaska microloan revolving fund; making loans for commercial purposes from the fund; and relating to the fund and loans; and providing for an effective date."

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

Do pass (5): Lynn, Neuman, Holmes, T. Wilson, Olson

No recommendation (1): Buch

The following fiscal note(s) apply:

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

HB 412 was referred to the Finance Committee.

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

**HB 334**

The Rules Committee considered:

## HOUSE BILL NO. 334

"An Act establishing child custody, modification, and visitation standards for a military parent who is deployed; and amending Rule 99, Alaska Rules of Civil Procedure."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 334(RLS)

"An Act establishing child custody, modification, and visitation standards for a military parent; and amending Rules 77 and 99, Alaska Rules of Civil Procedure."

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

Do pass (6): Millett, Kerttula, Olson, Herron, Neuman, Dahlstrom

Amend (1): Gardner

The following fiscal note(s) apply to CSHB 334(RLS):

1. Zero, Alaska Court System

HB 334 was returned to the Rules Committee for placement on the calendar.

### REPORTS OF SPECIAL COMMITTEES

#### **HB 389**

The House Special Committee on Fisheries considered:

HOUSE BILL NO. 389

"An Act relating to loans made to commercial fishermen under the Commercial Fishing Loan Act for energy efficiency upgrades; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 389(FSH)

"An Act relating to loans made to commercial fishermen under the Commercial Fishing Loan Act for product quality improvements and energy efficiency upgrades; and providing for an effective date."

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

Do pass (3): Munoz, Buch, Edgmon

No recommendation (2): Kawasaki, Keller



The following fiscal note(s) apply to CSHB 389(FSH):

1. Zero, Dept. of Commerce, Community, & Economic Development  
HB 389 was referred to the Resources Committee.

**SB 274**

The House Special Committee on Fisheries considered:

CS FOR SENATE BILL NO. 274(RES)

"An Act naming the new state fish hatchery on the Elmendorf Air Force Base the William Jack Hernandez Sport Fish Hatchery."

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

Do pass (4): Buch, Keller, Munoz, Edgmon

The following fiscal note(s) apply:

1. Zero, Senate Resources Committee

CSSB 274(RES) was referred to the Resources Committee.

**INTRODUCTION OF CITATIONS**

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

Honoring - Lieutenant Colonel (Ret.) Dean M. Owen  
By Representative Dahlstrom; Senator Wielechowski

In Memoriam - Melvin F. Daroff  
By Senator Egan; Representatives Kerttula, Munoz

**RECONSIDERATION****SJR 22**

Representative Kerttula brought up reconsideration of the vote on HCS CSSJR 22(FSH) (page 1819).

The following was again before the House in third reading:

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO.  
22(FSH)

Opposing litigation that seeks to eliminate the Kenai, Kasilof, and  
Chitina sockeye salmon personal use dip net fisheries.

The question to be reconsidered: "Shall HCS CSSJR 22(FSH) pass  
the House?" The roll was taken with the following result:

HCS CSSJR 22(FSH)

Third Reading

Final Passage

Reconsideration

**YEAS: 36 NAYS: 1 EXCUSED: 2 ABSENT: 1**

Yeas: Austerman, Buch, Chenault, Cissna, Crawford, Doogan,  
Edgmon, Fairclough, N.Foster, Gara, Gardner, Gruenberg, Guttentberg,  
Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki,  
Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson,  
Petersen, Ramras, Seaton, Stoltze, Tuck, P.Wilson, T.Wilson

Nays: Thomas

Excused: Gatto, Salmon

Absent: Dahlstrom

And so, HCS CSSJR 22(FSH) passed the House on reconsideration  
and was referred to the Chief Clerk for engrossment.

## **CONSIDERATION OF THE DAILY CALENDAR**

### **SECOND READING OF HOUSE BILLS**

#### **HB 262**

The following was read the second time:

HOUSE BILL NO. 262

"An Act establishing the month of May as Motorcycle Awareness  
Month."

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with the:

Journal Page

TRA RPT CS(TRA) NT 6DP  
FN1: ZERO(DOT)

1785  
1785

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

CS FOR HOUSE BILL NO. 262(TRA)  
"An Act establishing the month of May as Motorcycle and Motor  
Scooter Awareness Month."

There being no objection, it was so ordered.

Representative Johansen moved and asked unanimous consent that CSHB 262(TRA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 262(TRA) was read the third time.

The question being: "Shall CSHB 262(TRA) pass the House?" The roll was taken with the following result:

CSHB 262(TRA)  
Third Reading  
Final Passage

**YEAS: 37 NAYS: 0 EXCUSED: 2 ABSENT: 1**

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

Excused: Gatto, Salmon

Absent: Dahlstrom

And so, CSHB 262(TRA) passed the House and was referred to the Chief Clerk for engrossment.

Representative Johansen moved and asked unanimous consent that Representative Dahlstrom be excused from a call of the House today. There being no objection, it was so ordered.

**HB 280**

The following was read the second time:

## HOUSE BILL NO. 280

"An Act relating to natural gas; relating to a gas storage facility; relating to the Regulatory Commission of Alaska; relating to the participation by the attorney general in a matter involving the approval of a rate or a gas supply contract; relating to an income tax credit for a gas storage facility; relating to oil and gas production tax credits; relating to the powers and duties of the Alaska Oil and Gas Conservation Commission; relating to production tax credits for certain losses and expenditures, including exploration expenditures; relating to the powers and duties of the director of the division of lands and to lease fees for the storage of gas on state land; and providing for an effective date."

with the:

Journal Page

L&C RPT CS(L&C) NT 4DP 2NR 1AM	1501
FN1: ZERO(ADM)	1502
FN2: ZERO(CED)	1502
RES RPT CS(RES) NT 5DP	1758
FN1: ZERO(ADM)	1759
FN2: ZERO(CED)	1759
FN3: INDETERMINATE(DNR)	1759
FN4: (REV)	1759
FIN RPT CS(FIN) NT 9DP 1AM	1812
FN1: ZERO(ADM)	1813
FN2: ZERO(CED)	1813
FN3: INDETERMINATE(DNR)	1813
FN(S): FORTHCOMING	1813

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

CS FOR HOUSE BILL NO. 280(FIN)

"An Act relating to a gas storage facility; relating to the Regulatory Commission of Alaska; relating to the participation by the attorney general in a matter involving the approval of a rate or a gas supply contract; relating to an income tax credit for a gas storage facility; relating to oil and gas production tax credits; relating to the powers and duties of the Alaska Oil and Gas Conservation Commission; relating to production tax credits for certain losses and expenditures, including exploration expenditures; relating to the powers and duties of the director of the division of lands and to lease fees for a gas storage facility on state land; and providing for an effective date."

There being no objection, it was so ordered.

Representative Johansen moved and asked unanimous consent that CSHB 280(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 280(FIN) will advance to third reading on tomorrow's calendar.

**HB 287**

The following was read the second time:

HOUSE BILL NO. 287

"An Act relating to the adoption of the Uniform Disclaimer of Property Interests Act, and to the disclaimer of property rights under the Uniform Probate Code."

with the:

Journal Page

L&C RPT 1DP 4NR	1647
FN1: ZERO(LAW)	1648
JUD RPT CS(JUD) 7DP	1786
FN1: ZERO(LAW)	1787

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

CS FOR HOUSE BILL NO. 287(JUD)  
(same title)

There being no objection, it was so ordered.

Representative Johansen moved and asked unanimous consent that CSHB 287(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 287(JUD) was read the third time.

The question being: "Shall CSHB 287(JUD) pass the House?" The roll was taken with the following result:

CSHB 287(JUD)  
Third Reading  
Final Passage

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

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

Excused: Dahlstrom, Gatto, Salmon

And so, CSHB 287(JUD) passed the House and was referred to the Chief Clerk for engrossment.

### **HB 336**

The following was read the second time:

HOUSE BILL NO. 336

"An Act relating to electronic voting procedures for electric and telephone cooperatives; and providing for an effective date."

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with the:	Journal Page
CRA RPT 3DP 1NR	1676
FN1: ZERO(CED)	1676
STA RPT CS(STA) 5DP 2NR	1695
FN1: ZERO(CED)	1695

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

CS FOR HOUSE BILL NO. 336(STA)  
(same title)

There being no objection, it was so ordered.

Representative Johansen moved and asked unanimous consent that CSHB 336(STA) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 336(STA) will advance to third reading on tomorrow's calendar.

**LEGISLATIVE CITATIONS**

Representative Johansen moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

In Memoriam - Clifford Lowell Hudson

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

**UNFINISHED BUSINESS**

**HB 363**

The Speaker added a Finance Committee referral for the following:

**HOUSE BILL NO. 363**

"An Act relating to the membership of the Alaska Industrial Development and Export Authority."

HB 363 was removed from the Rules Committee and referred to the Finance Committee.

**HB 389**

The Speaker removed the Resources Committee referral and added a Labor & Commerce Committee referral for the following:

**HOUSE BILL NO. 389**

"An Act relating to loans made to commercial fishermen under the Commercial Fishing Loan Act for energy efficiency upgrades; and providing for an effective date."

HB 389 was removed from the Resources Committee and referred to the Labor & Commerce Committee.

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 Cissna – from evening plane time, March 24 to evening plane time, March 27

Representative Gruenberg – from 10:00 a.m., March 25 to morning plane time, March 29

**HB 250**

Representative Kawasaki added his name as cosponsor to:

**HOUSE BILL NO. 250**

"An Act relating to the repeal of the establishment of the Goldstream Public Use Area."

**HB 262**

Representatives Tuck, P. Wilson, Gara, Johansen, and Guttenberg added their names as cosponsors to:



## CS FOR HOUSE BILL NO. 262(TRA)

"An Act establishing the month of May as Motorcycle and Motor Scooter Awareness Month."

**HB 280**

Representative Neuman added his name as cosponsor to:

## CS FOR HOUSE BILL NO. 280(FIN)

"An Act relating to a gas storage facility; relating to the Regulatory Commission of Alaska; relating to the participation by the attorney general in a matter involving the approval of a rate or a gas supply contract; relating to an income tax credit for a gas storage facility; relating to oil and gas production tax credits; relating to the powers and duties of the Alaska Oil and Gas Conservation Commission; relating to production tax credits for certain losses and expenditures, including exploration expenditures; relating to the powers and duties of the director of the division of lands and to lease fees for a gas storage facility on state land; and providing for an effective date."

**SCR 12**

Representative Holmes added her name as cross sponsor to:

## SENATE CONCURRENT RESOLUTION NO. 12

Proclaiming September 9, 2010, as Fetal Alcohol Spectrum Disorders Awareness Day.

**SB 195**

Representative Kawasaki added his name as cross sponsor to:

## SENATE BILL NO. 195

"An Act relating to the repeal of the establishment of the Goldstream Public Use Area."

**SB 199**

Representative Gardner added her name as cross sponsor to:

## SENATE BILL NO. 199

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

**SB 274**

Representative Keller added his name as cross sponsor to:

CS FOR SENATE BILL NO. 274(RES)

"An Act naming the new state fish hatchery on the Elmendorf Air Force Base the William Jack Hernandez Sport Fish Hatchery."

**ENGROSSMENT****HB 262**

CSHB 262(TRA) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**HB 287**

CSHB 287(JUD) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**SJR 22**

HCS CSSJR 22(FSH) 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 10:30 a.m., March 24, 2010. There being no objection, the House adjourned at 11:23 a.m.

Suzi Lowell  
Chief Clerk