

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

February 4, 2013

Twenty-first Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:02 a.m.

Roll call showed 36 members present. Representatives Hawker, Kerttula, and Olson had been excused from a call of the House today.

Representative Pruitt moved and asked unanimous consent that Representative Tarr 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.

It is a true honor to pray for the Alaska House of Representatives; thank you for the invitation to do so. With deep respect for the faith convictions of all Alaskans, I invite you into a time of prayer as I pray for you.

Eternal and loving God, we give you thanks for the gift and blessing of this day.

In the Old Testament, the Hebrew Scriptures, the Psalmist prays: "I keep my eyes always on the Lord. With Him at my right hand, I will not be shaken." (Psalm 16:8)

So on this day, O Lord, I pray you will grant these men and women the grace to remember that you are always with them. Encourage them with the wonderful knowledge that you love them and that you guide them. Help them, O Lord, to keep their eyes upon you. Help them to know that you are close to them – at their right hand.

I pray this, my loving heavenly Father, because these women and men, your children, have been called to a great service. They face complex challenges and many demands. Grant them wisdom to serve Alaska and its people well.

I give you thanks, eternal Creator, for this great land you have given us. This day fill us with joy and a renewed sense of wonder over the magnificent grandeur and beauty of Alaska. Thank you that we live in such a good and prosperous land.

I pray these things in the name of my Lord, Jesus. Amen.

The Pledge of Allegiance was led by Representative Saddler.

CERTIFICATION OF THE JOURNAL

Representative Pruitt moved and asked unanimous consent that the journal for the 18th, 19th, and 20th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Seaton introduced Hayden Beard, Guest Page, from Seward.

Representative Austerman introduced Elizabeth Flerchinger and Miranda Gallivan, Guest Pages, from Kodiak.

MESSAGES FROM THE GOVERNOR**HR 1**

A message dated February 1, 2013, was read stating the Governor read the following resolution and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 1

Establishing a House Special Committee on Economic Development, Trade, and Tourism.

House Resolve No. 1

HR 2

A message dated February 1, 2013, was read stating the Governor read the following resolution and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 2

Relating to establishing a House Special Committee on Energy.

House Resolve No. 2

HR 3

A message dated February 1, 2013, was read stating the Governor read the following resolution and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 3

Establishing a House Special Committee on Fisheries.

House Resolve No. 3

HR 4

A message dated February 1, 2013, was read stating the Governor read the following resolution and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE RESOLUTION NO. 4

Establishing a House Special Committee on Military and Veterans' Affairs.

House Resolve No. 4

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HCR 2**

HOUSE CONCURRENT RESOLUTION NO. 2 by Representatives Hughes, Gruenberg, and Lynn:

Proclaiming the state as a Purple Heart State to honor the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedom enjoyed by all Americans.

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

CONSIDERATION OF THE DAILY CALENDAR**THIRD READING OF HOUSE BILLS****HB 36**

The following, which was advanced to third reading from the February 1, 2013, calendar (page 181), was read the third time:

HOUSE BILL NO. 36

"An Act exempting certain federal agencies or military services firing or using munitions on active ranges from prior authorization requirements of the Department of Environmental Conservation."

The question being: "Shall HB 36 pass the House?" The roll was taken with the following result:

HB 36

Third Reading

Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 4 ABSENT: 1

Yeas: Austerman, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Josephson, Kawasaki, Keller, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Hawker, Kerttula, Olson, Tarr

Absent: Guttenberg

And so, HB 36 passed the House and was referred to the Chief Clerk for engrossment.

HB 80

The following, which was advanced to third reading from the February 1, 2013, calendar (page 182), was read the third time:

HOUSE BILL NO. 80

"An Act relating to the regulation of wastewater discharge from commercial passenger vessels in state waters; and providing for an effective date."

Representative Tuck moved and asked unanimous consent that HB 80 be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

The Speaker stated that, without objection, HB 80 would be returned to second reading for all amendments.

Amendment No. 1 was offered by Representatives Tuck and Kawasaki:

Page 3, following line 22:

Insert a new bill section to read:

"* **Sec. 5.** AS 46.03.488 is amended by adding a new subsection to read:

(b) Each month, the department shall publish on the department's Internet website

(1) records detailing the dates, times, and locations, and volumes and flow rates of discharges of sewage, graywater, or wastewater reported under AS 46.03.465(a);

(2) results of samples of discharged treated sewage, graywater, or other wastewater of a vessel collected by

(A) the owner or operator of the vessel under AS 46.03.465(b) and 46.03.475(b); and

(B) the department under AS 46.03.465(c); and

(3) violations of sewage, graywater, or other wastewater discharge permits reported to the department by the owner or operator of a commercial passenger vessel under AS 46.03.475(a)."

Renumber the following bill sections accordingly.

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

Representative Saddler objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

HB 80

Second Reading

Amendment No. 1

YEAS: 11 NAYS: 24 EXCUSED: 4 ABSENT: 1

Yeas: Drummond, Foster, Gara, Gruenberg, Hughes, Josephson, Kawasaki, Kreiss-Tomkins, Seaton, Stoltze, Tuck

Nays: Austerman, Chenault, Costello, Edgmon, Feige, Gattis, Herron, Higgins, Holmes, Isaacson, Johnson, Keller, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Pruitt, Reinbold, Saddler, Thompson, P.Wilson, T.Wilson

Excused: Hawker, Kerttula, Olson, Tarr

Absent: Guttenberg

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representatives Gara and Kawasaki:

Page 2, line 25, through page 3, line 5:

Delete all material and insert:

**** Sec. 3.** AS 46.03.462(e) is repealed and reenacted to read:

"(e) When issuing, reissuing, renewing, or modifying a permit required under (a)(1) of this section, the department may only include the authorization of a mixing zone for a commercial passenger vessel if

(1) that vessel employs an advanced wastewater treatment system that falls within the class of systems identified by the department under (k) of this section or employs other means of pollution prevention, control, and treatment that the department finds can achieve a quality of effluent that is comparable to that of one or more vessels employing an advanced wastewater treatment system; and

(2) the permit prohibits the discharge of untreated sewage, treated sewage, graywater, or other wastewater within two geographical miles of the coastline of the state unless

(A) a discharge is made for the purpose of securing the safety of the commercial passenger vessel or saving life at sea and all reasonable precautions have been taken to prevent or minimize the discharge; or

(B) a discharge is made into an onshore sewage treatment system."

Page 3, following line 6:

Insert a new subsection to read:

"(i) Under (e)(1) of this section, if a commercial passenger vessel employs an advanced wastewater treatment system that satisfies the requirements of (e)(1) of this section, the department shall find the commercial passenger vessel satisfies all state technology-based treatment requirements for authorization of a mixing zone."

Reletter the following subsections accordingly.

Page 3, line 15:

Delete "(e)"

Insert "(e)(1)"

Page 3, following line 22:

Insert new material to read:

"(l) The department, in consultation with the Department of Fish and Game, shall prohibit mixing zones in areas where they raise a material danger to the health of salmon, groundfish, or shellfish.

* **Sec. 5.** AS 46.03.490 is amended by adding a new paragraph to read:

(19) "coastline" has the meaning given to "coast line" in 43 U.S.C. 1301."

Renumber the following bill sections accordingly.

Representative Gara moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Saddler objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

HB 80

Second Reading

Amendment No. 2

YEAS: 11 NAYS: 25 EXCUSED: 4 ABSENT: 0

Yeas: Drummond, Edgmon, Gara, Gruenberg, Guttenberg, Herron, Josephson, Kawasaki, Kreiss-Tomkins, Nageak, Tuck

Nays: Austerman, Chenault, Costello, Feige, Foster, Gattis, Higgins, Holmes, Hughes, Isaacson, Johnson, Keller, LeDoux, Lynn, Millett, Munoz, Neuman, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Thompson, P.Wilson, T.Wilson

Excused: Hawker, Kerttula, Olson, Tarr

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was offered by Representatives Josephson and Kawasaki:

Page 1, line 2, following "**waters;**"(title amendment):

Insert "**providing for an effective date by delaying the effective date of secs. 3 and 7, ch. 53, SLA 2009;**"

Page 1, line 4, through page 2, line 9:

Delete all material.

Page 2, line 10:

Delete "**Sec. 2**"

Insert "**Section 1**"

Renumber the following bill sections accordingly.

Page 2, line 25, through page 3, line 5:

Delete all material and insert:

"* **Sec. 2.** AS 46.03.462(e) is amended to read:

(e) When issuing, reissuing, renewing, or modifying a permit required under (a)(1) of this section, the department may include effluent limits or standards less stringent than those required under (b)(1) of this section [FOR NOT MORE THAN THREE YEARS DURATION] if the department finds that a permittee is using economically feasible methods of pollution prevention, control, and treatment the department considers to be the most technologically effective in controlling all wastes and other substances in the discharge but is unable to achieve compliance with Alaska Water Quality Standards at the point of discharge. **A permit under this subsection may not extend beyond December 31, 2020.**"

Page 3, line 6:

Delete "new subsections"

Insert "a new subsection"

Page 3, lines 13 - 22:

Delete all material.

Page 3, line 23:

Delete "46.03.462(f),"

Page 3, line 24:

Delete all material and insert new bill sections to read:

"* **Sec. 6.** Section 7, ch. 53, SLA 2009, is amended to read:

Sec. 7. AS 46.03.462(e) **and** [,] 46.03.462(f) [, AND 46.03.464] are repealed.

* **Sec. 7.** Section 8, ch. 53, SLA 2009, is amended to read:

Sec. 8. Sections 3 and 7 of this Act take effect December 31, **2020** [2015]."

Renumber the following bill section accordingly.

Representative Josephson moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Saddler objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

HB 80

Second Reading

Amendment No. 3

YEAS: 12 NAYS: 24 EXCUSED: 4 ABSENT: 0

Yeas: Drummond, Edgmon, Gara, Gruenberg, Guttenberg, Holmes, Josephson, Kawasaki, Kreiss-Tomkins, Munoz, Seaton, Tuck

Nays: Austerman, Chenault, Costello, Feige, Foster, Gattis, Herron, Higgins, Hughes, Isaacson, Johnson, Keller, LeDoux, Lynn, Millett, Nageak, Neuman, Pruitt, Reinbold, Saddler, Stoltze, Thompson, P.Wilson, T.Wilson

Excused: Hawker, Kerttula, Olson, Tarr

And so, Amendment No. 3 was not adopted.

HB 80 was automatically in third reading.

The question being: "Shall HB 80 pass the House?" The roll was taken with the following result:

HB 80

Third Reading

Final Passage

YEAS: 27 NAYS: 9 EXCUSED: 4 ABSENT: 0

Yeas: Austerman, Chenault, Costello, Edgmon, Feige, Foster, Gattis, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Keller, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Pruitt, Reinbold, Saddler, Stoltze, Thompson, P.Wilson, T.Wilson

Nays: Drummond, Gara, Gruenberg, Guttenberg, Josephson, Kawasaki, Kreiss-Tomkins, Seaton, Tuck

Excused: Hawker, Kerttula, Olson, Tarr

And so, HB 80 passed the House.

Representative Pruitt 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.

Representative Tuck objected.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

HB 80

Third Reading

Effective Date

YEAS: 27 NAYS: 8 EXCUSED: 4 ABSENT: 1

Yeas: Austerman, Chenault, Costello, Edgmon, Feige, Foster, Gattis, Higgins, Holmes, Hughes, Isaacson, Johnson, Keller, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Thompson, P.Wilson, T.Wilson

Nays: Drummond, Gara, Gruenberg, Guttenberg, Josephson, Kawasaki, Kreiss-Tomkins, Tuck

Excused: Hawker, Kerttula, Olson, Tarr

Absent: Herron

And so, the effective date clause was adopted.

Representative Johnson gave notice of reconsideration of the vote on HB 80.

LEGISLATIVE CITATIONS

Representative Pruitt 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 - Clifford Robert Everts

By Representatives Hawker, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Guttenberg, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Josephson, Kawasaki, Keller, Kerttula, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson

Honoring - Naukati School, 2012 Boating Safety Gold Award

By Representatives P. Wilson, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Josephson, Kawasaki, Keller, Kerttula, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, T. Wilson; Senator Stedman

Honoring - Anil Mathur, Alaska Tanker Company

By Senator Bishop; Representatives Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Josephson, Kawasaki, Keller, Kerttula, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson

In Memoriam - Peter Winslow Knudsen

By Representatives Hawker, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Guttenberg, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Josephson, Kawasaki, Keller, Kerttula, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson; Senator Giessel

UNFINISHED BUSINESS

Representative Pruitt 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 Herron – from 1:00 p.m., February 7 to 10:30 p.m., February 10

Representative Saddler – from 11:00 a.m., February 5 to noon, February 6

HJR 3

Representative Reinbold added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 3

Urging the President of the United States to seek and the United States Congress to approve adequate funding for land conveyance activities for the State of Alaska, Alaska Native corporations, and Alaska Natives under the Alaska Statehood Act, the Alaska Native Claims Settlement Act, the Native Allotment Act of 1906, the Alaska Native Veterans Allotment Act of 1998, and the Alaska Land Transfer Acceleration Act.

HB 88

Representatives Reinbold, Josephson, T. Wilson, and Tuck added their names as cosponsors to:

HOUSE BILL NO. 88

"An Act changing the terms 'mental retardation' and 'mentally retarded,' and making conforming changes, in Alaska Statutes."

HB 90

Representative Reinbold added her name as cosponsor to:

HOUSE BILL NO. 90

"An Act establishing a temporary program in the Department of Health and Social Services for testing newborns for baseline vitamin D levels."

HB 95

Representative Guttenberg added his name as cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 95

"An Act requiring school districts to provide a plan for hiring highly qualified teachers; adjusting the base student allocation used in the formula for state funding of public education to account for inflation since fiscal year 2011; and providing for an effective date."

HB 97

Representative Josephson added his name as cosponsor to:

HOUSE BILL NO. 97

"An Act relating to office accounts for each member of the legislature for legislative office expenses."

HB 102

Representative Thompson added his name as cosponsor to:

HOUSE BILL NO. 102

"An Act relating to property exemptions for retirement plans, individual retirement accounts, and Roth IRAs; relating to transfers of individual retirement plans; relating to the rights of judgment creditors of members of limited liability companies and partners of limited liability partnerships; relating to the Uniform Probate Code, including pleadings, orders, liability, and notices under the Uniform Probate Code and the Alaska Principal and Income Act, the appointment of trust property, the Alaska Uniform Prudent Investor Act, co-trustees, trust protectors, and trust advisors; relating to the Alaska Principal and Income Act; relating to the Alaska Uniform Transfers to Minors Act; relating to the disposition of human remains; relating to the tax on insurers

for life insurance policies; relating to insurable interests for certain insurance policies; relating to restrictions on transfers of trust interests; relating to discretionary interests in irrevocable trusts; relating to the community property of married persons; and amending Rule 64, Alaska Rules of Civil Procedure, and Rule 301(a), Alaska Rules of Evidence."

ENGROSSMENT

HB 36

HB 36 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.

The following meetings today were changed:

Judiciary Committee

CHANGED TO:

1:30 p.m.

Resources Committee

CHANGED TO:

1:30 p.m.

ADJOURNMENT

Representative Pruitt moved and asked unanimous consent that the House adjourn until 10:30 a.m., February 6, 2013. There being no objection, the House adjourned at 12:58 p.m.

Suzi Lowell
Chief Clerk