

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Monday

February 17, 2014

Twenty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:05 a.m.

Roll call showed 39 members present. There was one vacancy.

The invocation was offered by the Chaplain, the Reverend Patrick J. Travers of Saint Paul the Apostle Catholic 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.

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

Almighty God, we ask your blessings upon the elected representatives of the people of Alaska, as they gather to consider the laws that should govern our state. As they exercise their great responsibilities today, grant them wisdom and strength and a spirit of good will and common purpose. May the laws they adopt and all the actions they take be just, promoting the freedom and the common good of all our people. We ask your blessings also on their family members and loved ones, whose often hidden generosity and sacrifice make their service possible.

Bless also all the government leaders of our state and nation and of our local communities. Sustain in them a spirit of dedication and service to the people they have been chosen to govern. On this President's Day we thank you for the great

national leaders who have served our nation so well, as well as our great Territorial and State leaders such as Governor Michael Stepovich. We pray also for all of the men and women in our armed forces, all police officers, firefighters, and other first responders, especially those who find themselves in harm's way today. May they and their families always enjoy your strength and protection.

We pray for all the people of our state, especially those who are most challenged by the winter cold. May we use the many gifts you have granted us to build a better society and a better world, working always for peace and justice in our great land and throughout the Earth. May we be united with others throughout the world in the spirit of solidarity symbolized by the Winter Olympic Games, dedicated to the freedom and prosperity of all people of good will.

We make this prayer in your Holy Name. Amen.

The Pledge of Allegiance was led by Representative Gruenberg.

CERTIFICATION OF THE JOURNAL

Representative Pruitt moved and asked unanimous consent that the journal for the 25th, 26th, and 27th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

* * * * *

Representative Munoz introduced Ashley Boucher, Guest Page, from Juneau.

MESSAGES FROM THE SENATE

HB 71

A message dated February 14, 2014, was read stating the President discharged the 2d Conference Committee with limited powers of free conference considering:

CS FOR HOUSE BILL NO. 71(FIN)

"An Act requiring the Department of Commerce, Community, and Economic Development to file an annual report to the legislature regarding statewide and regional economic development projects and regional development organizations; extending the termination date of the Alaska regional economic assistance program; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 71(FIN)

"An Act requiring the Commercial Fisheries Entry Commission to report biennially on the vessel-based limited entry fisheries system for the weathervane scallop and Bering Sea hair crab fisheries; requiring the Department of Commerce, Community, and Economic Development to file an annual report to the legislature regarding statewide and regional economic development projects and regional development organizations; extending the termination date of the Alaska regional economic assistance program; extending the termination date of the authority of the Commercial Fisheries Entry Commission to maintain a vessel-based limited entry fisheries system for the weathervane scallop and Bering Sea hair crab fisheries; providing for an effective date by amending the effective date under sec. 28, ch. 137, SLA 2002; and providing for an effective date."

The House discharged the 2d Conference Committee with limited powers of free conference (page 1589).

A message dated February 14, 2014, was read stating the Senate passed the following, and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 71

CS FOR SENATE BILL NO. 71(FIN) by the Senate Finance Committee, entitled:

"An Act relating to the fishery resource landing tax."

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

SB 123

SENATE BILL NO. 123 by Senators MEYER, Micciche, Egan, Gardner, and Bishop, entitled:

"An Act authorizing a municipality to adopt an ordinance prohibiting the use of cellular telephones while driving in school zones or on school property."

was read the first time and referred to the Community & Regional Affairs and Judiciary Committees.

COMMUNICATIONS

The following was received:

Dept. of Education & Early Development
Annual Report
February 15, 2014
(as required by AS 14.03.078)

REPORTS OF STANDING COMMITTEES

HB 269

The Health & Social Services Committee considered:

HOUSE BILL NO. 269

"An Act providing immunity for certain licensed temporary health care providers who provide free health care services."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 269(HSS)

"An Act providing immunity for certain licensed temporary health care providers who provide free health care services; and providing for an effective date."

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

Do pass (5): Seaton, Pruitt, Keller, Tarr, Higgins

The following fiscal note(s) apply to CSHB 269(HSS):

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

HB 269 was referred to the Judiciary Committee.

INTRODUCTION OF CITATIONS

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

Honoring – Homer Senior Citizens, Inc., 40 Years of Service
By Representative Seaton; Senator Micciche

Honoring – John Lopetrone
By Senator Giessel

Honoring – Annaleah Ernst, 2013 U.S. Presidential Scholar
By Senator Giessel

In Memoriam – Vanta Shafer
By Senator Giessel; Representative LeDoux

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 26

HOUSE JOINT RESOLUTION NO. 26 by Representatives SADDLER, Nageak, Costello, Feige, Austerman, Holmes, Herron, and Hughes:

Urging the United States Congress to provide a means for consistently and equitably sharing with all oil and gas producing states adjacent to federal outer continental shelf areas a portion of revenue generated from oil and gas development on the outer continental shelf to ensure that those states develop necessary

infrastructure to support outer continental shelf development and preserve environmental integrity.

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

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

HB 304

HOUSE BILL NO. 304 by Representative GARA, entitled:

"An Act relating to the procurement of leases for legislative office space."

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

HB 305

HOUSE BILL NO. 305 by Representative CHENAULT, entitled:

"An Act repealing the requirement that a junk dealer or metal scrapper obtain a license."

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

HB 306

HOUSE BILL NO. 306 by Representatives THOMPSON, Stoltze, and Saddler, entitled:

"An Act relating to tax credits and administration of tax credit programs; requiring the Department of Revenue to report indirect expenditures; relating to the duties of state agencies; requiring the legislative finance division to analyze certain indirect expenditures; relating to lapse dates for appropriations for capital projects; repealing certain statutes authorizing indirect expenditures; and providing for an effective date."

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

HB 307

HOUSE BILL NO. 307 by Representative KAWASAKI, entitled:

"An Act relating to the operation of low-speed vehicles."

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

HB 308

HOUSE BILL NO. 308 by Representatives HOLMES, Costello, Hawker, and Edgmon, entitled:

"An Act relating to the exemptions under the Alaska Securities Act and to securities issued by Native corporations; and providing for an effective date."

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

HB 309

HOUSE BILL NO. 309 by Representative TUCK, entitled:

"An Act relating to a craft distillery license."

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

HB 310

HOUSE BILL NO. 310 by Representative T. WILSON, entitled:

"An Act relating to the selection and duties of delegates to a United States constitutional convention."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 276**

The following was read the second time:

HOUSE BILL NO. 276

"An Act making the Alaska Wage and Hour Act inapplicable to certain employees of motor vehicle dealers; and providing for an effective date."

with the:	Journal Page
L&C RPT 3DP 2NR	1572
FN1: ZERO(LWF)	1572

Amendment No. 1 was offered by Representative Josephson:

Page 3, line 31, following "dealer":

Insert "**on a commission basis, has received from the employer a written pay plan stating how commissions are calculated,**"

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

Representative Thompson objected.

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

HB 276

Second Reading

Amendment No. 1

YEAS: 10 NAYS: 29 EXCUSED: 0 ABSENT: 0 VACANT: 1

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

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

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Josephson:

Page 4, lines 2 - 7:

Delete all material and insert:

"(A) make sales;
(B) make contracts for sales, consignments, or
shipments; or
(C) obtain orders for service or the use of
facilities for which consideration will be paid by the client
or customer."

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

Representative Thompson objected.

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

HB 276

Second Reading

Amendment No. 2

YEAS: 9 NAYS: 30 EXCUSED: 0 ABSENT: 0 VACANT: 1

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

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

And so, Amendment No. 2 was not adopted.

Representative Pruitt moved and asked unanimous consent that HB 276 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 276 will advance to third reading on the February 19, 2014, calendar.

HB 292

The following was read the second time:

HOUSE BILL NO. 292

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

with the:	Journal Page
JUD RPT CS(JUD) 5DP	1572
FN1: ZERO(LAW)	1573

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

CS FOR HOUSE BILL NO. 292(JUD)
(same title)

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHB 292(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 292(JUD) was read the third time.

The question being: "Shall CSHB 292(JUD) pass the House?" The roll was taken with the following result:

CSHB 292(JUD)
Third Reading
Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 0 ABSENT: 1 VACANT: 1

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

Absent: Drummond

And so, CSHB 292(JUD) 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. There being no objection, it was so ordered.

CSHB 292(JUD) was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 275

The Speaker stated that, without objection, the following, which was advanced to third reading from the February 14, 2014, calendar (page 1592), would be returned to the Rules Committee:

CS FOR HOUSE BILL NO. 275(CRA)

"An Act relating to electronic publication of certain municipal notices and to publication and electronic distribution of reports by state agencies."

SECOND READING OF HOUSE RESOLUTIONS

HJR 15

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 15

Supporting the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible under the Alaska Native Claims Settlement Act for the remediation of contaminated land subject to conveyance under the Act.

with the:

Journal Page

RES RPT CS(RES) 6DP 1AM

1568

FN1: ZERO(LEG)

1569

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

CS FOR HOUSE JOINT RESOLUTION NO. 15(RES)
(same title)

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHJR 15(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 15(RES) was read the third time.

Representative Johnson placed a call of the House.

The call was satisfied.

The question being: "Shall CSHJR 15(RES) pass the House?" The roll was taken with the following result:

CSHJR 15(RES)
Third Reading
Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 0 ABSENT: 0 VACANT: 1

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

And so, CSHJR 15(RES) passed the House and was referred to the Chief Clerk for engrossment.

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 – Rose Miller

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

Honoring – Lawrence "Woody" Widmark, Jr.

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

Honoring – Service High School, 2013 All-State Football Team Members

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

In Memoriam – Robert F. Burgess

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

In Memoriam – Elizabeth Clauson

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

In Memoriam – John Howard Clauson

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

In Memoriam – Virginia Demmert

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

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 Costello – from 8:00 a.m., March 5 to 10:00 p.m., March 10

Representative Feige – from 6:00 p.m., February 28 to 1:00 p.m., March 9 (amended from page 1498); and from 6:00 p.m., March 14 to 10:00 p.m., March 16

Representative Gara – from 6:30 p.m., February 21 to 10:15 a.m., February 24

Representative Holmes – from 7:00 a.m., February 21 to 7:30 p.m., February 22

Representative Isaacson – from 7:00 a.m., March 6 to 10:00 p.m., March 9

Representative Millett – from 7:00 a.m., February 19 to 9:00 a.m., February 24

Representative Nageak – from 7:00 a.m., March 4 to 1:00 p.m., March 9

Representative P. Wilson – from 5:30 a.m., March 22 to 1:00 p.m., March 23

Representative Saddler – from 6:00 a.m., March 3 to 2:00 p.m., March 9

HJR 15

Representatives Austerman, Olson, LeDoux, Saddler, Herron, Lynn, Gara, Pruitt, Gattis, T. Wilson, Keller, Hughes, Foster, Tarr, Munoz, Higgins, Thompson, Reinbold, Seaton, Tuck, Gruenberg, Stoltze, and Neuman added their names as cosponsors to:

CS FOR HOUSE JOINT RESOLUTION NO. 15(RES)

Supporting the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible under the Alaska Native Claims Settlement Act for the remediation of contaminated land subject to conveyance under the Act.

HB 32

Representative Munoz added her name as cosponsor to:

HOUSE BILL NO. 32

"An Act providing for the issuance of one business license for multiple lines of business; and providing for reissuance of a business license to correct a mistake on the license."

HB 220

Representative Tarr added her name as cosponsor to:

HOUSE BILL NO. 220

"An Act repealing the secondary student competency examination and related requirements; and providing for an effective date."

HB 281

Representative Tarr added her name as cosponsor to:

HOUSE BILL NO. 281

"An Act relating to prescription of drugs by a physician without a physical examination."

HB 301

Representative Edgmon added his name as cosponsor to:

HOUSE BILL NO. 301

"An Act relating to duties and procedures of the state medical examiner and the Department of Health and Social Services; and relating to death certificates."

SB 71

Representative Tarr added her name as cross sponsor to:

CS FOR SENATE BILL NO. 71(FIN)

"An Act relating to the fishery resource landing tax."

SB 123

Representative Holmes added her name as cross sponsor to:

SENATE BILL NO. 123

"An Act authorizing a municipality to adopt an ordinance prohibiting the use of cellular telephones while driving in school zones or on school property."

ENGROSSMENT

HJR 15

CSHJR 15(RES) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 292

CSHB 292(JUD) 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., 2/24

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 19, 2014. There being no objection, the House adjourned at 1:05 p.m.

Suzi Lowell
Chief Clerk