

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Friday

February 21, 2014

Thirty-second Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:31 a.m.

Roll call showed 27 members present. Representatives Gara, Gattis, Holmes, Johnson, Millett, Nageak, and T. Wilson had been excused from a call of the House today. Representatives Gruenberg, Guttenberg, and Munoz were absent and their presence was noted later. There was one vacancy.

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 Drummond – from today to 10:00 p.m., March 10 (amended from page 1440)

Representative LeDoux – from today to 10:00 a.m., February 23 (amended from page 1595)

The invocation was sung by the Chaplain, the Reverend Bobby Lewis of New Light Baptist Church, New York City. Representative P. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

"God Bless America"
(by Irving Berlin)

God bless America, land that I love.
Stand beside her, and guide her

Through the night with a light from above.
From the mountains, to the prairies,
To the oceans, white with foam.
God bless America, my home sweet home.

The Pledge of Allegiance was led by Representative Herron.

CERTIFICATION OF THE JOURNAL

Representative Pruitt moved and asked unanimous consent that the journal for the 30th and 31st legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A financial plan dated February 19, 2014, with accompanying letter regarding the Declaration of Disaster Emergency dated November 18, 2013, (page 1383) pertaining to the October floods in the Kenai Peninsula Borough, was received and is on file in the Chief Clerk's office. The financial plan and letter had been copied to the Finance Committee Co-chairs.

MESSAGES FROM THE SENATE

A message dated February 19, 2014, was read stating the Senate passed the following, and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 58

SENATE BILL NO. 58 by Senator EGAN, entitled:

"An Act allowing an insurer to cancel an insurance policy if property becomes entirely abandoned and the abandonment increases the hazard insured against."

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

COMMUNICATIONS

The following were received:

Dept. of Administration
Violent Crimes Compensation Board
Fortieth Annual Report 2013
(as required by AS 18.67.170)

University of Alaska Fairbanks
International Arctic Research Center
Annual Report 2013

**The presence of Representatives Guttenberg and Gruenberg was noted.

REPORTS OF STANDING COMMITTEES**HJR 26**

The Resources Committee considered:

HOUSE JOINT RESOLUTION NO. 26

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.

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

Do pass (5): Seaton, Johnson, Olson, Feige, Saddler

The following fiscal note(s) apply:

1. Zero, Legislative Agency

HJR 26 is on today's calendar.

HB 47

The Judiciary Committee considered:

HOUSE BILL NO. 47

"An Act requiring a party seeking a restraining order, preliminary injunction, or order vacating or staying the operation of a permit affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 47(JUD)

"An Act requiring a party seeking a restraining order, preliminary injunction, or order vacating or staying the operation of certain permits affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained."

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

Do pass (4): Millett, LeDoux, Lynn, Keller

No recommendation (2): Foster, Gruenberg

The following fiscal note(s) apply to CSHB 47(JUD):

1. Zero, Alaska Court System
2. Zero, Dept. of Environmental Conservation
3. Zero, Dept. of Environmental Conservation
4. Zero, Dept. of Law
5. Zero, Dept. of Natural Resources

HB 47 was referred to the Rules Committee for placement on the calendar.

HB 135

The Resources Committee considered:

HOUSE BILL NO. 135

"An Act relating to the reservation of certain mining claims from all uses incompatible with the purposes for establishing the Petersville Recreational Mining Area."

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

Do pass (2): Hawker, Saddler

No recommendation (4): Johnson, P. Wilson, Tarr, Seaton

Amend (1): Kawasaki

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

HB 135 was referred to the Rules Committee for placement on the calendar.

HB 217

The State Affairs Committee considered:

HOUSE BILL NO. 217

"An Act establishing November 14 each year as Dr. Walter Soboleff Day."

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

Do pass (5): Gattis, Keller, Kreiss-Tomkins, Hughes, Lynn

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 217 was referred to the Rules Committee for placement on the calendar.

HB 262

The State Affairs Committee considered:

HOUSE BILL NO. 262

"An Act exempting the Public Defender Agency and the office of public advocacy from certain provisions of the State Procurement Code; and providing for an effective date."

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

Do pass (5): Gattis, Keller, Kreiss-Tomkins, Hughes, Lynn

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 262 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 – Scott Heyworth
By Representative Gruenberg

Honoring – Linda Bender, 2013 BP Teacher of Excellence
By Representative Millett; Senator Meyer

Honoring – Colony High School Marching Band, 2014 International Tournament of Roses Parade
By Representatives Gattis, Hughes, Stoltze, Neuman, Keller; Senators Dunleavy, Dyson

Honoring – The Association of Village Council Presidents, 50th Anniversary
By Senators Hoffman, Stevens; Representatives Herron, Edgmon, Guttenberg

In Memoriam – Eugene Patrick Murphy
By Representative Gruenberg

In Memoriam – John Robert Yeargan
By Representatives Reinbold, Stoltze; Senator Fairclough

In Memoriam – Donald J. Fry
By Senator Bishop

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

HCR 19

HOUSE CONCURRENT RESOLUTION NO. 19 by Representatives
HERRON and Edgmon:

Supporting Recover Alaska in its efforts to reduce the effects of
excessive alcohol consumption.

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

HCR 20

HOUSE CONCURRENT RESOLUTION NO. 20 by Representative
KAWASAKI:

Proposing an amendment to the Uniform Rules of the Alaska State
Legislature relating to voting and abstention from voting.

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

HJR 27

HOUSE JOINT RESOLUTION NO. 27 by Representative GARA:

Urging the United States Congress to pass legislation requiring
disclosure of independent expenditures made to influence public
elections.

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

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 238**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 238 by Representatives TARR, GARA, and Tuck, entitled:

"An Act relating to the state and municipal procurement preferences for agricultural products harvested in the state and fisheries products harvested or processed in the state; relating to legislative oversight of those procurement preferences; and providing for an effective date."

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

HB 318

HOUSE BILL NO. 318 by Representative SADDLER, entitled:

"An Act relating to public school reports of students whose parents are members of the active duty military service."

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

HB 319

HOUSE BILL NO. 319 by Representative T. WILSON, entitled:

"An Act relating to wholesale drug or device distributors; relating to prescription benefits under the state health insurance plan; and providing for an effective date."

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

HB 320

HOUSE BILL NO. 320 by Representatives TUCK and Gara, entitled:

"An Act relating to the exemption from jury service for certain teachers."

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

HB 321

HOUSE BILL NO. 321 by Representatives TUCK and Gara, entitled:

"An Act relating to the funding of charter schools; and relating to the conversion of existing public schools to charter schools."

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

HB 322

HOUSE BILL NO. 322 by Representative GRUENBERG, entitled:

"An Act requiring the Department of Transportation and Public Facilities to involve the public and to consider comments regarding the design, construction, and mitigation elements of a project."

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

HB 323

HOUSE BILL NO. 323 by Representative TUCK, entitled:

"An Act requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology; and providing for an effective date."

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

HB 324

HOUSE BILL NO. 324 by Representative KELLER, entitled:

"An Act relating to the controlled substance prescription database."

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

HB 325

HOUSE BILL NO. 325 by Representatives MUNOZ, Seaton, P. Wilson, and Kawasaki, entitled:

"An Act increasing the balance of the oil and hazardous substance release prevention and response fund required to suspend the surcharge levied on oil produced in the state; increasing the amount of the surcharge levied on oil produced in the state that may be appropriated to the oil and hazardous substance release prevention account; and providing for an effective date."

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

HB 326

HOUSE BILL NO. 326 by Representative KAWASAKI, entitled:

"An Act requiring a legislator to abstain from voting on questions affecting an enterprise if the legislator or member of the legislator's immediate family has a substantial financial interest in the enterprise, and requiring a legislator to refrain from taking or withholding official action or exerting official influence in certain matters in which the legislator's action or influence could benefit or harm another person; adding a definition of 'financial interest' to the Legislative Ethics Act; making this Act conditionally effective; and providing for an effective date."

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

HB 327

HOUSE BILL NO. 327 by Representatives TUCK, Gara, and Kawasaki, entitled:

"An Act relating to manufacturing from natural gas products and limiting the production tax applicable to certain natural gas

produced from a lease or property in the state and used for an end product that is manufactured in the state."

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

HB 328

HOUSE BILL NO. 328 by Representatives NAGEAK, Tuck, and Munoz, entitled:

"An Act establishing the Board of Massage Therapists; relating to the licensing of massage therapists; and providing for an effective date."

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

HB 329

HOUSE BILL NO. 329 by Representatives TARR, Kawasaki, and Tuck, entitled:

"An Act establishing an interactive social media connection in the electronic bill tracking system of the legislature."

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

HB 330

HOUSE BILL NO. 330 by Representative GARA, entitled:

"An Act requiring motor vehicle dealers to provide written disclosure of employee commissions relating to service sales."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE RESOLUTIONS

HJR 26

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 26

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.

with the:	Journal Page
RES RPT 5DP	1649
FN1: ZERO(LEG)	1649

Representative Pruitt moved and asked unanimous consent that HJR 26 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HJR 26 was read the third time.

**The presence of Representative Munoz was noted.

The question being: "Shall HJR 26 pass the House?" The roll was taken with the following result:

HJR 26
Third Reading
Final Passage

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

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

Excused: Drummond, Gara, Gattis, Holmes, Johnson, LeDoux, Millett, Nageak, T.Wilson

Representative Feige later gave notice of reconsideration of the vote on HJR 26, and reconsideration was taken up then.

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 Thompson – from 6:30 p.m., February 27 to 10:00 a.m., March 3; and from 6:00 p.m., March 28 to 10:15 a.m., March 31

Representative Tuck – from 7:30 a.m., March 26 to 10:30 a.m., March 30

Representative Tarr – from 7:00 a.m., February 22 to 10:00 p.m., February 24

Representative Costello – from 8:00 a.m., March 22 to 10:00 p.m., March 23

Representative Isaacson – from 7:00 a.m., March 5 to 10:00 p.m., March 9 (amended from page 1617)

RECONSIDERATION**HJR 26**

Representative Feige gave notice of reconsideration of the vote on HJR 26 (page 1658).

Representative Feige moved and asked unanimous consent that reconsideration of HJR 26 be taken up on the same day. There being no objection, it was so ordered.

The following was before the House in third reading.

HOUSE JOINT RESOLUTION NO. 26

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.

Representative Pruitt moved and asked unanimous consent that the House rescind previous action in advancing HJR 26 to third reading (page 1658). There being no objection, it was so ordered, and HJR 26 was in second reading.

Representative Pruitt moved and asked unanimous consent that HJR 26 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HJR 26 was read the third time.

The question to be reconsidered: "Shall HJR 26 pass the House?" The roll was taken with the following result:

HJR 26
Third Reading
Final Passage
Reconsideration

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

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

Excused: Drummond, Gara, Gattis, Holmes, Johnson, LeDoux, Millett, Nageak, T.Wilson

And so, HJR 26 passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

HJR 18

Representative Reinbold added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 18
Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

HJR 26

Representatives Kawasaki, Josephson, Isaacson, Seaton, Kreiss-Tomkins, Pruitt, P. Wilson, Lynn, Stoltze, Thompson, and Chenault added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 26

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.

HB 149

Representative Holmes added her name as cosponsor to:

HOUSE BILL NO. 149

"An Act making firefighters employed by the state eligible for the presumption of coverage under workers' compensation for disability due to certain diseases."

HB 217

Representatives Millett, Keller, Lynn, and Hughes added their names as cosponsors to:

HOUSE BILL NO. 217

"An Act establishing November 14 each year as Dr. Walter Soboleff Day."

HB 262

Representatives Thompson and Gruenberg added their names as cosponsors to:

HOUSE BILL NO. 262

"An Act exempting the Public Defender Agency and the office of public advocacy from certain provisions of the State Procurement Code; and providing for an effective date."

HB 297

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 297

"An Act recognizing the Alaska Housing Finance Corporation as the authorizing agency to approve home energy rating systems for the state; and providing for an effective date."

HB 306

Representatives Millett, Chenault, LeDoux, Hawker, Keller, and T. Wilson added their names as cosponsors to:

HOUSE BILL NO. 306

"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."

HB 317

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 317

"An Act relating to official traffic-control devices at schools and in school zones."

ENGROSSMENT**HJR 26**

HJR 26 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

ADJOURNMENT

Representative Pruitt moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 24, 2014. There being no objection, the House adjourned at 11:33 a.m.

Suzi Lowell
Chief Clerk