HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Monday

March 19, 2012

Sixty-third Day

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

Roll call showed 38 members present. Representative Kerttula had been excused from a call of the House today.

Representative Austerman moved and asked unanimous consent that Representative Gatto be excused from a call of the House from today through March 23. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Pastor Tari Stage-Harvey of Shepherd of the Valley Lutheran 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.

Almighty God, we lift before you and give thanks for all who govern Alaska. May those who hold power understand that it is a trust from you to be used for the service of the people. Drive us all from cynicism, selfishness, and corruption; and give us grace to live together in unity and peace.

During this week as we remember the Exxon Valdez disaster, remind us all of the great responsibility we have to tend the gifts you have given us. Trusting in you, we pray. Amen.

The Pledge of Allegiance was led by Representative Petersen.

CERTIFICATION OF THE JOURNAL

Representative Austerman moved and asked unanimous consent that the journal for the 60^{th} , 61^{st} , and 62^{nd} legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Johansen introduced his daughters, Makena, Shelbi, and Jacie Johansen, Guest Pages, from Ketchikan.

MESSAGES FROM THE SENATE

A message dated March 16, 2012, was read stating the Senate passed the following, and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SCR 16

SENATE CONCURRENT RESOLUTION NO. 16 by Senator Giessel:

Proclaiming May 2012 to be Celiac Disease Awareness Month.

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

FIRST READING AND REFERENCE OF SENATE BILLS

SB 202

SENATE BILL NO. 202 by Senators Egan, Coghill, and Giessel, entitled:

"An Act relating to resuscitation protocol documents that may be adopted by reference in regulations."

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

REPORTS OF STANDING COMMITTEES

HB 182

The Finance Committee considered:

HOUSE BILL NO. 182 "An Act relating to distribution of annual reports by state agencies."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 182(FIN)

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

The report was signed by Representatives Stoltze and Thomas, Cochairs, with the following individual recommendations:

Do pass (8): Fairclough, Gara, T. Wilson, Guttenberg, Joule, Costello, Stoltze, Thomas

No recommendation (2): Edgmon, Doogan

Amend (1): Neuman

The following fiscal note(s) apply to CSHB 182(FIN):

2. Indeterminate, Office of the Governor/All Depts.

HB 182 was referred to the Rules Committee for placement on the calendar.

HB 361

The Resources Committee considered:

HOUSE BILL NO. 361

"An Act relating to the Alaska Land Act, including certain lease, sale, and other disposal of state land and materials; relating to

production royalties from miners; relating to rights to use state water; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 361(RES) (same title)

The report was signed by Representatives Feige and Seaton, Cochairs, with the following individual recommendations:

Do pass (3): Dick, Feige, Seaton

No recommendation (1): Gardner

Amend (1): Kawasaki

The following fiscal note(s) apply to CSHB 361(RES):

- 1. Zero, Dept. of Fish & Game
- 2. Zero, Dept. of Transportation & Public Facilities
- 3. Indeterminate, Dept. of Natural Resources

HB 361 was referred to the Finance Committee.

SB 137

The Education Committee considered:

SENATE BILL NO. 137 "An Act requiring suicide awareness and prevention training for certain school personnel."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 137(EDC) (same title)

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

Do pass (4): Pruitt, Cissna, Seaton, Dick

Amend (1): Kawasaki

The following fiscal note(s) apply to HCS SB 137(EDC):

2. Zero, Dept. of Education & Early Development

SB 137 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 Armed Services YMCA By Representatives Saddler, Stoltze

In Memoriam - Ella (Oskolkoff) Woodhead By Senator Wagoner

The following citation was introduced and taken up later as a Special Order of Business:

Honoring - Staff Sgt. Thomas McRae By Representatives Munoz, Kerttula; Senator Egan

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 367

HOUSE BILL NO. 367 by the House Health and Social Services Committee, entitled:

"An Act relating to mitigation at sentencing in a criminal case for a defendant found by the court to have been affected by a fetal alcohol spectrum disorder."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 250

The following was read the second time:

HOUSE BILL NO. 250

"An Act relating to the renewable energy grant fund and recommendation program; and providing for an effective date."

with the:	Journal Page
ENE RPT CS(ENE) 6DP	1458
FN1: (CED)	1459
FIN RPT CS(ENE) 11DP	1877
FN2: (CED)	1877

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

CS FOR HOUSE BILL NO. 250(ENE) (same title)

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 250(ENE) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 250(ENE) was read the third time.

Representative Doogan moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Doogan was required to vote.

1929

The question being: "Shall CSHB 250(ENE) pass the House?" The roll was taken with the following result:

CSHB 250(ENE) Third Reading Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0

Yeas: Austerman, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Lynn, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Gatto, Kerttula

And so, CSHB 250(ENE) passed the House.

Representative Austerman 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 250(ENE) was referred to the Chief Clerk for engrossment.

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Representative Munoz introduced Adam Soto, Guest Page, from Juneau.

HB 302

The following was read the second time:

HOUSE BILL NO. 302

"An Act repealing certain audit requirements for entities receiving contributions from permanent fund dividends."

with the:	Journal Page
FIN RPT CS(FIN) NT 7DP 1NR 1AM	1732
FN1: ZERO(REV)	1732

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

CS FOR HOUSE BILL NO. 302(FIN)

"An Act requiring each campus or program of the University of Alaska to apply to be included on the contribution list for contributions from permanent fund dividends; requiring a university to pay an application fee for each program or campus separately listed on the contribution list for contributions from permanent fund dividends; and repealing certain audit requirements for entities receiving contributions from permanent fund dividends."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Fairclough and Seaton:

Page 1, line 1 (title amendment): Delete "**or program**"

Page 1, line 3 (title amendment): Delete "**program or**"

Page 1, line 11: Delete "**university program**,"

Page 2, lines 4 - 5: Delete "or program"

Representative Fairclough moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered, and the new title follows:

CS FOR HOUSE BILL NO. 302(FIN) am

"An Act requiring each campus of the University of Alaska to apply to be included on the contribution list for contributions from permanent fund dividends; requiring a university to pay an application fee for each campus separately listed on the

contribution list for contributions from permanent fund dividends; and repealing certain audit requirements for entities receiving contributions from permanent fund dividends."

Amendment No. 2 was offered by Representative Hawker:

Page 1, line 2 (title amendment): Delete ";" Insert "**and**"

Page 1, lines 4 - 6 (title amendment):

Delete "; and repealing certain audit requirements for entities receiving contributions from permanent fund dividends"

Page 2, line 7: Delete all material.

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

Representative Seaton objected.

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

CSHB 302(FIN) am Second Reading Amendment No. 2

YEAS: 15 NAYS: 23 EXCUSED: 2 ABSENT: 0

Yeas: Chenault, Cissna, Doogan, Feige, Gardner, Hawker, Herron, Holmes, Johnson, Keller, Lynn, Millett, Neuman, Olson, T.Wilson

Nays: Austerman, Costello, Dick, Edgmon, Fairclough, Foster, Gara, Gruenberg, Guttenberg, Johansen, Joule, Kawasaki, Miller, Munoz, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson

Excused: Gatto, Kerttula

And so, Amendment No. 2 was not adopted.

Representative Austerman moved and asked unanimous consent that CSHB 302(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 302(FIN) am was read the third time.

The question being: "Shall CSHB 302(FIN) am pass the House?" The roll was taken with the following result:

CSHB 302(FIN) am Third Reading Final Passage

YEAS: 33 NAYS: 3 EXCUSED: 2 ABSENT: 2

Yeas: Austerman, Chenault, Cissna, Costello, Dick, Fairclough, Feige, Foster, Gara, Gruenberg, Guttenberg, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Lynn, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Nays: Doogan, Gardner, Hawker

Excused: Gatto, Kerttula

Absent: Edgmon, Herron

And so, CSHB 302(FIN) am passed the House and was referred to the Chief Clerk for engrossment.

HB 333

The following was read the second time:

HOUSE BILL NO. 333 "An Act relating to public office expense term accounts and public office expense term account reserves."

with the:	Journal Page
STA RPT CS(STA) NT 5DP 1NR	1898
FN1: ZERO(ADM)	1899

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

CS FOR HOUSE BILL NO. 333(STA)

"An Act relating to the disposition of certain unused campaign contributions; and relating to public office expense term accounts and public office expense term account reserves."

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 333(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 333(STA) was read the third time.

The question being: "Shall CSHB 333(STA) pass the House?" The roll was taken with the following result:

CSHB 333(STA) Third Reading Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 2 ABSENT: 2

Yeas: Austerman, Chenault, Cissna, Costello, Dick, Doogan, Fairclough, Feige, Foster, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Lynn, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Gatto, Kerttula

Absent: Edgmon, Herron

And so, CSHB 333(STA) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HJR 26

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 26

Urging federal agencies to work with the Alaska Department of Fish and Game, Southeast Alaska Native leaders, and other interested parties to establish strategies and plans for the sustainable management of the reintroduced sea otter population of Southeast Alaska.

with the:	Journal Page
RES RPT CS(RES) 6DP 2NR 1AM	1590

 FN1: ZERO(LEG)
 1590

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

CS FOR HOUSE JOINT RESOLUTION NO. 26(RES) (same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Johansen:

Page 2, following line 21:

Insert new material to read:

"WHEREAS the State of Alaska, on behalf of its residents, has invested large quantities of time and money in developing fisheries resources that are now being consumed by sea otters; and"

Page 2, following line 29:

Insert new material to read:

"WHEREAS the Marine Mammal Protection Act of 1972 removed marine mammals from the State of Alaska's management, denying Alaska residents and most Americans the opportunity to

1935

harvest marine mammals, even if the denial places animal populations, ecosystems, and the State of Alaska's economy at risk; and"

Page 3, following line 30:

Insert new material to read:

"FURTHER RESOLVED that the Alaska State Legislature urges the United States Congress, the United States Secretary of the Interior, and appropriate federal agencies to provide for harvest of sea otters by all Americans under sustainable management principles, if the United States Secretary of the Interior and the Alaska Department of Fish and Game determine that an ecosystem in Southeast Alaska would benefit from that harvest; and be it"

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

There was objection.

Representative Stoltze moved and asked unanimous consent that the question be divided.

Representative Johansen objected.

Representative Johansen placed a call of the House.

The call was satisfied.

Representative Johansen withdrew the objection.

The Speaker ruled that the question was divisible. There being no further objection, Amendment No. 1 was divided.

Amendment No. 1, Part A:

Page 2, following line 21:

Insert new material to read:

"WHEREAS the State of Alaska, on behalf of its residents, has invested large quantities of time and money in developing fisheries resources that are now being consumed by sea otters; and" Page 2, following line 29:

Insert new material to read:

"WHEREAS the Marine Mammal Protection Act of 1972 removed marine mammals from the State of Alaska's management, denying Alaska residents and most Americans the opportunity to harvest marine mammals, even if the denial places animal populations, ecosystems, and the State of Alaska's economy at risk; and"

Representative Gruenberg moved and asked unanimous consent that Amendment No. 1, Part A be divided.

There was objection.

Representative Gruenberg moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

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

CSHJR 26(RES) Second Reading Amendment No. 1, Part A

YEAS: 20 NAYS: 18 EXCUSED: 2 ABSENT: 0

Yeas: Austerman, Cissna, Costello, Dick, Doogan, Feige, Johansen, Johnson, Keller, Lynn, Millett, Neuman, Olson, Petersen, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck

Nays: Chenault, Edgmon, Fairclough, Foster, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Joule, Kawasaki, Miller, Munoz, Pruitt, P.Wilson, T.Wilson

Excused: Gatto, Kerttula

And so, Amendment No. 1, Part A was adopted.

Amendment No. 1, Part B:

Page 3, following line 30:

Insert new material to read:

"FURTHER RESOLVED that the Alaska State Legislature urges the United States Congress, the United States Secretary of the Interior,

and appropriate federal agencies to provide for harvest of sea otters by all Americans under sustainable management principles, if the United States Secretary of the Interior and the Alaska Department of Fish and Game determine that an ecosystem in Southeast Alaska would benefit from that harvest; and be it"

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

CSHJR 26(RES) am Second Reading Amendment No. 1, Part B

YEAS: 8 NAYS: 30 EXCUSED: 2 ABSENT: 0

Yeas: Feige, Johansen, Keller, Lynn, Millett, Neuman, Stoltze, Thompson

Nays: Austerman, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johnson, Joule, Kawasaki, Miller, Munoz, Olson, Petersen, Pruitt, Saddler, Seaton, Thomas, Tuck, P.Wilson, T.Wilson

Excused: Gatto, Kerttula

And so, Amendment No. 1, Part B was not adopted.

Representative Austerman moved and asked unanimous consent that CSHJR 26(RES) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 26(RES) am was read the third time.

The question being: "Shall CSHJR 26(RES) am pass the House?" The roll was taken with the following result:

CSHJR 26(RES) am Third Reading Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0

Yeas: Austerman, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Lynn, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Gatto, Kerttula

And so, CSHJR 26(RES) am passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Austerman 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 - Dan Gavora, UAF 2012 Business Leader of the Year By Representatives Kawasaki, Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Keller, Kerttula, Lynn, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P. Wilson, T. Wilson; Senator Paskvan

Honoring - Nikiski High School Football Team, 2011 Small Schools State Champions

By Representatives Chenault, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Miller, Millett, Munoz, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P. Wilson, T. Wilson; Senator Wagoner

UNFINISHED BUSINESS

Representative Austerman 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 11:00 a.m., March 21 to 10:30 a.m., March 22

Representative Pruitt – from 7:30 a.m., March 23 to 10:30 p.m., March 25

Representative Costello – from 11:00 a.m., March 23 to 10:30 a.m., March 26

Representative Thompson – from 5:00 p.m., March 23 to 10:30 a.m., March 26 $\,$

Representative Johnson – from 5:45 p.m., March 23 to 10:00 a.m., March 26 $\,$

Representative Fairclough – from 6:00 p.m., March 23 to 10:15 a.m., March 26

SPECIAL ORDER OF BUSINESS

Representative Austerman moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - Staff Sgt. Thomas McRae, be taken up as a Special Order of Business. There being no objection, it was so ordered.

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

Honoring - Staff Sgt. Thomas McRae

By Representatives Munoz, Kerttula, Chenault, Austerman, Cissna, Costello, Dick, Doogan, Edgmon, Fairclough, Feige, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Lynn, Miller, Millett, Neuman, Olson, Petersen, Pruitt, Saddler, Seaton, Stoltze, Thomas, Thompson, Tuck, P. Wilson, T. Wilson; Senator Egan

UNFINISHED BUSINESS

HB 182

Representative T. Wilson added her name as cosponsor to:

HOUSE BILL NO. 182

"An Act relating to distribution of annual reports by state agencies."

HB 250

Representatives Pruitt, Munoz, Lynn, Kawasaki, Saddler, Gruenberg, and Johnson added their names as cosponsors to:

CS FOR HOUSE BILL NO. 250(ENE)

"An Act relating to the renewable energy grant fund and recommendation program; and providing for an effective date."

HB 301

Representatives Neuman and Costello added their names as cosponsors to:

HOUSE BILL NO. 301

"An Act amending the termination date of certain statutes relating to the use, operation, and regulation of boats, a uniform state waterway marking system, and civil liability for boat owners; providing for an effective date by amending the effective date of secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27, ch. 28, SLA 2000, as amended; and providing for an effective date."

SCR 16

Representative Kerttula added her name as cross sponsor to:

SENATE CONCURRENT RESOLUTION NO. 16 Proclaiming May 2012 to be Celiac Disease Awareness Month.

SB 74

Representative Herron added his name as cross sponsor to:

SENATE BILL NO. 74

"An Act requiring insurance coverage for autism spectrum disorders, describing the method for establishing a covered treatment plan for those disorders, and defining the covered treatment for those disorders; and providing for an effective date."

SB 202

Representative P. Wilson added her name as cross sponsor to:

SENATE BILL NO. 202

"An Act relating to resuscitation protocol documents that may be adopted by reference in regulations."

EXECUTIVE ORDERS

EO 116

In accordance with art. III, sec. 23, Constitution of the State of Alaska, and AS 24.08.210, the House did not disapprove the following executive order within 60 days, and it was transmitted to the Office of the Governor at 11:38 a.m., March 19, 2012:

EXECUTIVE ORDER NO. 116:

Transferring certain hearing and appeal functions of the Department of Health and Social Services to the office of administrative hearings in the Department of Administration.

ENGROSSMENT

HJR 26

CSHJR 26(RES) am was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 250

CSHB 250(ENE) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 302

CSHB 302(FIN) am was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 333

CSHB 333(STA) 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:

Finance Committee CHANGED TO:	2:00 p.m.
Judiciary Committee CHANGED TO:	2:00 p.m.
Labor & Commerce Committee CHANGED TO:	3:45 p.m.
Resources Committee CHANGED TO:	2:10 p.m.

ADJOURNMENT

Representative Austerman moved and asked unanimous consent that the House adjourn until 10:30 a.m., March 21, 2012. There being no objection, the House adjourned at 1:39 p.m.

Suzi Lowell Chief Clerk