

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Friday

February 1, 2013

Eighteenth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:35 a.m.

Roll call showed 33 members present. Representatives Guttenberg, Kerttula, Kreiss-Tomkins, Olson, and Tuck had been excused from a call of the House today.

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 – today

Representative Tarr – from today to 9:30 a.m., February 4

The invocation was offered by the Chaplain, Pastor Steve Evenson of the Seventh-day Adventist Churches of Juneau and Sitka. Representative P. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

O Heavenly Father, once again we have assembled for the business at hand. Once again we stand before you asking for divine guidance in matters of state.

This body of individuals who represent the fair people of this great land have worked for the betterment of their fellow man.

I pray that those efforts that have been discussed will be a benefit to those who work and play and live in this great state. That what is said and done will be a blessing to the people who are striving for a better life for themselves and their families.

May your spirit move upon our hearts here today that this assembly may be effective and efficient in their duties. And now bless the business at hand. I ask this in the name of Jesus, Amen.

The Pledge of Allegiance was led by Representative Seaton.

CERTIFICATION OF THE JOURNAL

Representative Pruitt moved and asked unanimous consent that the journal for the 16th and 17th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Gara introduced Miri Andreassen, Guest Page, from Anchorage.

MESSAGES FROM THE GOVERNOR

HR 5

A message dated January 31, 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. 5

Supporting full state participation alongside federal officials in the United States Department of the Interior's "Expedited Assessment of 2012 Arctic Operations."

House Resolve No. 5

MESSAGES FROM THE SENATE

A message dated January 30, 2013, was read stating the Senate passed the following, and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 14**

SENATE BILL NO. 14 by Senator DYSON, entitled:

"An Act relating to the term of office of directors of telephone or electric cooperatives."

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

COMMUNICATIONS

The following were received:

Alaska Court System
2012 Travel and Compensation Report
January 30, 2013
(as required by AS 22.20.037)

Alaska Energy Authority
Notification of Annual Capital Project Status Report
Bradley Lake Hydroelectric Project
Alaska Intertie Project
January 29, 2013
(as required by AS 44.83.950)

Alaska Energy Authority
Susitna-Watana Hydroelectric Project
2012 Report
Available at: www.susitna-watanahydro.org
(as required by AS 44.83.085)

Dept. of Administration
Office of Administrative Hearings
Ninth Annual Report
January 31, 2013
(as required by AS 44.64.020)

Dept. of Environmental Conservation
Division of Water
Alaska Drinking Water and Clean Water Funds
Annual Loan Fund Report
Fiscal Year 2012
(as required by AS 37.05.035)

REPORTS OF STANDING COMMITTEES

HB 28

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 28

"An Act exempting solicitations or voluntary agreements to provide ambulance, emergency, or fire department services from regulation as insurance."

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

Do pass (5): Olson, Reinbold, Foster, Nageak, LeDoux

No recommendation (1): Drummond

The following fiscal note(s) apply:

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

HB 28 was referred to the Rules Committee for placement on the calendar.

HB 40

The Community & Regional Affairs Committee considered:

HOUSE BILL NO. 40

"An Act establishing a municipal tax exemption for certain farm structures."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 40(CRA)
(same title)

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

Do pass (6): Foster, Reinbold, Olson, Drummond, LeDoux, Nageak

The following fiscal note(s) apply to CSHB 40(CRA):

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

HB 40 was referred to the Rules Committee for placement on the calendar.

HB 75

The State Affairs Committee considered:

HOUSE BILL NO. 75

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

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

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

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 75 was referred to the Finance Committee.

HB 80

The Resources Committee considered:

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."

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

Do pass (6): Johnson, Hawker, Olson, P. Wilson, Saddler, Feige

Do not pass (2): Tuck, Tarr

Amend (1): Seaton

The following fiscal note(s) apply:

1. Zero, Dept. of Environmental Conservation

HB 80 is on today's calendar.

REPORTS OF SPECIAL COMMITTEES

HCR 1

The House Special Committee on Economic Development, Trade, & Tourism considered:

HOUSE CONCURRENT RESOLUTION NO. 1

Relating to the establishment and operation of a state food resource development working group.

and recommends it be replaced with:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 1(EDT)
(same title)

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

Do pass (7): Gattis, Higgins, Johnson, Pruitt, Drummond, Tarr, Hughes

The following fiscal note(s) apply to CSHCR 1(EDT):

1. Zero, House Special Committee on Economic Development, Trade, & Tourism/Legislative Agency

HCR 1 was referred to the Resources Committee.

INTRODUCTION OF CITATIONS

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

In Memoriam - Andrew Cecil Lloyd Quainton
By Representative Guttenberg

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

Honoring - Clifford Robert Everts
By Representative Hawker

Honoring - Naukati School, 2012 Boating Safety Gold Award
By Representative P. Wilson; Senator Stedman

Honoring - Anil Mathur, Alaska Tanker Company
By Senator Bishop

In Memoriam - Peter Winslow Knudsen
By Representative Hawker; Senator Giessel

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 95**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 95 by Representatives GARA, Drummond, Josephson, Tuck, Kawasaki, Tarr, Kreiss-Tomkins, Kerttula, and Gruenberg, entitled:

"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."

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

HB 96

HOUSE BILL NO. 96 by Representatives TARR and Kawasaki, entitled:

"An Act relating to chemicals of high concern and to chemicals in children's products; and adding an unlawful act to the Alaska Unfair Trade Practices and Consumer Protection Act."

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

HB 97

HOUSE BILL NO. 97 by Representative KAWASAKI, entitled:

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

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

HB 98

HOUSE BILL NO. 98 by Representative NEUMAN, entitled:

"An Act relating to escapement thresholds and escapement goals for certain salmon stocks."

was read the first time and referred to the House Special Committee on Fisheries and the Resources Committee.

HB 99

HOUSE BILL NO. 99 by Representative SADDLER, entitled:

"An Act extending the termination date of the Alaska Minerals Commission."

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

HB 100

HOUSE BILL NO. 100 by the House Rules Committee by request, entitled:

"An Act relating to the geographic cost-of-living adjustment to the salaries of supreme court justices, superior court judges, and district court judges; and providing for an effective date."

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

HB 101

HOUSE BILL NO. 101 by Representative TUCK, entitled:

"An Act establishing a maximum caseload for probation and parole officers."

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

HB 102

HOUSE BILL NO. 102 by Representative KELLER, entitled:

"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."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 36

The following was read the second 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."

with the:	Journal Page
RES RPT 7DP 2NR	154
FN1: ZERO(DEC)	155

Representative Pruitt moved and asked unanimous consent that HB 36 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 36 will advance to third reading on the February 4, 2013, calendar.

HB 52

The following was read the second time:

HOUSE BILL NO. 52

"An Act relating to allowable absences from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

with the:	Journal Page
STA RPT 5DP 2NR	155
FN1: ZERO(REV)	155

Representative Pruitt moved and asked unanimous consent that HB 52 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 52 was read the third time.

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

The Speaker stated that, without objection, HB 52 would be returned to the Rules Committee.

HB 80

The following was read the second 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."

with the:	Journal Page
RES RPT 6DP 2DNP 1AM	176
FN1: ZERO(DEC)	176

Representative Pruitt moved and asked unanimous consent that HB 80 be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 80 will advance to third reading on the February 4, 2013, calendar.

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 - Bucher Glass

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

Recognizing - The American Heart Association and February 2013 as American Heart Month

By Representatives P. Wilson, Chenault, Austerman, 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

In Memoriam - Emil Norton

By Senator Stevens; Representatives Austerman, 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 - Christopher Elden Helms

By Senator Stevens; Representatives Austerman, 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

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 Kerttula – from 6:00 a.m., February 8 to 9:00 p.m., February 9

Representative Johnson – from 5:30 p.m., today to 2:00 p.m., February 3; and from 11:30 a.m., February 8 to 10:30 a.m., February 11

Representative Kreiss-Tomkins – from 7:25 a.m., February 9 to 9:33 p.m., February 10

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

Representative Herron – from 1:00 p.m., February 7 to 10:33 p.m., February 10

Representative Costello – from noon, February 6 to 8:00 p.m., February 11 (amended from page 59)

SPECIAL ORDER OF BUSINESS

Representative Pruitt moved and asked unanimous consent that the notice and publication requirements be waived and the citation, In Memoriam - Andrew Cecil Lloyd Quainton, be taken up as a Special Order of Business. There being no objection, it was so ordered.

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

In Memoriam - Andrew Cecil Lloyd Quainton

By Representatives Guttenberg, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, 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

UNFINISHED BUSINESS**HCR 1**

Representative Munoz added her name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 1

Relating to the establishment and operation of a state food resource development working group.

HB 15

Representative T. Wilson added her name as cosponsor to:

HOUSE BILL NO. 15

"An Act relating to commercial motor vehicle requirements."

HB 36

Representatives LeDoux, Gara, and Lynn added their names as cosponsors to:

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."

HB 46

Representative LeDoux added her name as cosponsor to:

HOUSE BILL NO. 46

"An Act relating to regulations adopted by the Department of Administration waiving the commercial motor vehicle driving skills test for certain drivers with military commercial motor vehicle experience."

HB 47

Representatives Lynn and Millett added their names as cosponsors to:

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."

HB 52

Representatives LeDoux, Gara, Johnson, and Kawasaki added their names as cosponsors to:

HOUSE BILL NO. 52

"An Act relating to allowable absences from the state for purposes of eligibility for permanent fund dividends; and providing for an effective date."

HB 88

Representatives Drummond, Hawker, Munoz, Higgins, Chenault, Holmes, LeDoux, and Austerman 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 92

Representative Chenault added his name as cosponsor to:

HOUSE BILL NO. 92

"An Act relating to criminal mischief committed by interfering with an industrial operation."

HB 93

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

HOUSE BILL NO. 93

"An Act relating to the authorization, monitoring, and operation of charter schools."

ENGROSSMENT AND ENROLLMENT**HR 5**

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 3:42 p.m., January 30, 2013:

HOUSE RESOLUTION NO. 5

Supporting full state participation alongside federal officials in the United States Department of the Interior's "Expedited Assessment of 2012 Arctic Operations."

House Resolve No. 5

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Pruitt moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 4, 2013. There being no objection, the House adjourned at 11:37 a.m.

Suzi Lowell
Chief Clerk