

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

February 20, 2013

#### Thirty-seventh Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:33 a.m.

Roll call showed 39 members present.

Representative Pruitt moved and asked unanimous consent that Representative Guttenberg be excused from a call of the House from today to 10:00 a.m., March 11. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, the Reverend Dr. Phil Campbell of Northern Light United 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.

Wednesdays can be the hardest of days, God. The beginning of the week promises a fresh start and the end of the week brings at least the possibility of a bit of relaxation and renewal, but Wednesdays are always in the middle. And sometimes it is a tired middle or a bogged down middle. So, God, I pray for Wednesdays that the gift in them may be found. May the "middleness" of Wednesday bring a perspective that is needed amid the week's work, a perspective not too caught up in the frenzy of the beginning nor too impatient to have it all over at the end. Gracious One, support the hard work that is done in the middle of the effort. Uphold all who labor on behalf of our state when they are weary. Help them keep on keeping on in the middle of it all. Amen.

The Pledge of Allegiance was led by Representative LeDoux.

### **CERTIFICATION OF THE JOURNAL**

Representative Pruitt moved and asked unanimous consent that the journal for the 35<sup>th</sup> and 36<sup>th</sup> legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative T. Wilson introduced Lilli Rice, Guest Page, from Fairbanks.

Representative Stoltze introduced Christian Bohrer, Guest Page, from Chugiak.

Representative Costello introduced Emily Garlock, Guest Page, from Anchorage.

Representative Seaton introduced Kara Knotek, Guest Page, from Seward.

Representative Saddler introduced Dolan Metcalf, Guest Page, from Eagle River.

\*\*Representative Edgmon, who was excused (page 276), left the Chamber.

### **MESSAGES FROM THE SENATE**

#### **HB 80**

A message dated February 19, 2013, was read stating the Senate passed:

#### **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."

HB 80 was referred to the Chief Clerk for enrollment.

### COMMUNICATIONS

The following were received:

Dept. of Administration  
State Officers Compensation Commission  
Recommendations  
January 22, 2013  
(as required by AS 39.23.540)

Dept. of Labor & Workforce Development  
Alaska Workforce Investment Board  
Alaska Training Program Performance 2012  
February 14, 2013  
Available at: <http://labor.alaska.gov/research/training/training.pdf>  
(as required by AS 23.15.580)

### REPORTS OF STANDING COMMITTEES

#### HB 10

The State Affairs Committee considered:

#### HOUSE BILL NO. 10

"An Act authorizing state agencies to pay private legal fees and costs incurred by persons exonerated of alleged violations of the Alaska Executive Branch Ethics Act; allowing certain public officers and former public officers to accept state payments to offset private legal fees and costs related to defending against complaints under the Alaska Executive Branch Ethics Act; and creating certain exceptions to limitations under the Alaska Executive Branch Ethics Act on the use of state resources to provide or pay for transportation of spouses and children of the governor and the lieutenant governor."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 10(STA)

"An Act creating certain exceptions to limitations under the Alaska Executive Branch Ethics Act on the use of state resources to provide or pay for transportation of spouses and children of the governor and the lieutenant governor."

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

Do pass (3): Hughes, Kreiss-Tomkins, Lynn

No recommendation (4): Millett, Isaacson, Gattis, Keller

The following fiscal note(s) apply to CSHB 10(STA):

1. Zero, Dept. of Law

HB 10 was referred to the Judiciary Committee.

**HB 46**

The Transportation Committee considered:

## 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."

The report was signed by Representative P. Wilson, Chair, with the following individual recommendations:

Do pass (6): Lynn, Johnson, Kreiss-Tomkins, Gattis, Isaacson, P. Wilson

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

HB 46 was referred to the Rules Committee for placement on the calendar.

**HB 56**

The Transportation Committee considered:

## HOUSE BILL NO. 56

"An Act excluding motorcycles and motor-driven cycles from the passenger vehicle rental tax; and providing for an effective date."

The report was signed by Representative P. Wilson, Chair, with the following individual recommendations:

Do pass (5): Lynn, Johnson, Gattis, Isaacson, P. Wilson

No recommendation (1): Kreiss-Tomkins

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue

HB 56 was referred to the Finance Committee.

**HB 69**

The Judiciary Committee considered:

## HOUSE BILL NO. 69

"An Act exempting certain firearms and firearm accessories in this state from federal regulation; providing criminal penalties for federal officials who enforce or attempt to enforce a federal law, regulation, rule, or order regulating certain firearms and firearm accessories in this state; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 69(JUD)

"An Act exempting certain firearms, firearm accessories, and ammunition in this state from federal regulation; declaring certain federal statutes, regulations, rules, and orders unconstitutional under the Constitution of the United States and unenforceable in this state; providing criminal penalties for federal officials who enforce or attempt to enforce a federal statute, regulation, rule, or order regulating certain firearms and firearm accessories in this state; and providing for an effective date."

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

Do pass (6): Millett, Pruitt, Lynn, Foster, LeDoux, Keller

No recommendation (1): Gruenberg

The following fiscal note(s) apply to CSHB 69(JUD):

1. Zero, Dept. of Corrections
2. Zero, Dept. of Law
3. Zero, Dept. of Public Safety

HB 69 was referred to the Rules Committee for placement on the calendar.

#### **HB 94**

The Transportation Committee considered:

##### HOUSE BILL NO. 94

"An Act naming the northbound Chena Flood Channel Crossing Bridge the Nellie Miller Bridge and naming the southbound Chena Flood Channel Crossing Bridge the Con Miller Bridge."

The report was signed by Representative P. Wilson, Chair, with the following individual recommendations:

Do pass (6): Lynn, Johnson, Kreiss-Tomkins, Gattis, Isaacson, P. Wilson

The following fiscal note(s) apply:

1. Fiscal, Dept. of Transportation & Public Facilities

HB 94 was referred to the Finance Committee.

#### **HB 104**

The State Affairs Committee considered:

## HOUSE BILL NO. 104

"An Act relating to election practices and procedures; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 104(STA)

"An Act relating to election practices and procedures; relating to public records; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date."

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

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

No recommendation (2): Millett, Keller

The following fiscal note(s) apply to CSHB 104(STA):

1. Zero, Office of the Governor
2. Zero, Dept. of Education & Early Development

HB 104 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 – Carol Swartz, 2012 Governor's Award, 2013 Meritorious Service Award

By Representative Seaton; Senator Micciche

Honoring – Judith K. Nelson

By Representative Edgmon; Senator Stevens

Honoring – Mary Jane Fate  
By Representative T. Wilson; Senator Coghill

Honoring – The 2012 Homer High School Softball Team for Athletic  
and Academic Excellence  
By Representative Seaton; Senator Micciche

Honoring – Skyview High School Girls Volleyball Team, Southcentral  
Conference  
By Representative Seaton; Senator Micciche

Honoring – Center for Alaskan Coastal Studies, 30<sup>th</sup> Anniversary  
By Representative Seaton; Senator Micciche

Honoring – Palmer Fire Department  
By Representatives Hughes, Stoltze

In Memoriam – Jacob Ahwinona  
By Representative Foster; Senator Olson

In Memoriam – James Fair Crockett  
By Senator Fairclough; Representative Pruitt

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

##### **HB 129**

HOUSE BILL NO. 129 by the House Rules Committee by request of  
the Governor, entitled:

"An Act relating to approval for oil and gas or gas only  
exploration and development in a geographical area; and  
providing for an effective date."

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

The following fiscal note(s) apply:

1. Fiscal, Dept. of Natural Resources



The Governor's transmittal letter dated February 18, 2013, follows:

"Dear Speaker Chenault:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill relating to approval for oil and gas or gas only exploration and development in a geographical area. This bill will reduce the time required to get oil into production and flowing through TAPS, while protecting Alaska's environment.

Under current procedures, the Department of Natural Resources (DNR) grants lease exploration and development approval in conjunction with individual plans of operation for a lease or project. As such, a separate public notice is required for each approval, often resulting in repetitive approvals within the same geographical area. In order to streamline the State's permitting process, this bill allows DNR to comprehensively evaluate oil and gas exploration and development in a geographical area, and define the criteria by which specific projects are evaluated and approved. Approvals made under the provisions of this bill are valid for up to ten years as specified by DNR's Director of the Division of Lands.

Creating economic opportunity in Alaska requires a clear, predictable, and timely permitting process that encourages resource development while protecting the environment. I urge your prompt and favorable action on this measure to create a streamlined permitting process in the interests of increasing oil throughput and growing Alaska's economy.

Sincerely,

/s/

Sean Parnell  
Governor"

**HB 130**

HOUSE BILL NO. 130 by Representatives SEATON, Edgmon, Austerman, Herron, P. Wilson, Foster, Kreiss-Tomkins, Munoz, and Kerttula, entitled:

"An Act establishing July 21 each year as Jay Hammond Day."

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

**HB 131**

HOUSE BILL NO. 131 by Representative SEATON, entitled:

"An Act relating to abandoned and derelict vessels."

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

**HB 132**

HOUSE BILL NO. 132 by Representatives KAWASAKI and Gara, entitled:

"An Act making sales of and offers to sell certain energy resources in this state by a refiner at prices that are exorbitant or excessive an unlawful act or practice under the Alaska Unfair Trade Practices and Consumer Protection Act."

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

**HB 133**

HOUSE BILL NO. 133 by Representative EDGMON, entitled:

"An Act relating to grants for school construction."

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

**HB 134**

HOUSE BILL NO. 134 by Representative COSTELLO, entitled:

"An Act requiring Medicaid payment for scheduled unit dose prescription drug packaging and dispensing services for specified recipients."

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

**CONSIDERATION OF THE DAILY CALENDAR****HOUSE BILLS IN THIRD READING****HB 52**

The following, which was read the third time and returned to the Rules Committee (page 181), was again before the House in third reading:

**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."

Representative Gruenberg moved and asked unanimous consent that HB 52 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 52 would be returned to second reading for Amendment Nos. 1 and 2.

Amendment No. 1 was offered by Representatives Gruenberg, Feige, and Gara:

Page 3, lines 17 - 18:

Delete "documentation to the department that establishes, by clear and convincing evidence,"

Insert "clear and convincing evidence to the department"

Page 3, line 23, following "consider":

Insert "all relevant factors, including"

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted.

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

Page 4, following line 10:

Insert a new subsection to read:

"(g) After an otherwise eligible individual has been absent from the state for more than 180 days in each of the related 10 qualifying years, the department shall hold the dividend in trust for the individual. When the individual has been present in the state for at least 180 days in a qualifying year, the department shall pay the amount held in trust to the individual. The dividends held in trust shall earn interest at a rate equal to the increase, if any, in the Consumer Price Index for all urban consumers for the Anchorage metropolitan area compiled by the Bureau of Labor Statistics, United States Department of Labor."

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

Representative Saddler objected.

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

Representative Gara moved and asked unanimous consent to withdraw Amendment No. 2. There being no objection, it was so ordered.

HB 52 am was automatically in third reading.

The Speaker stated that, without objection, HB 52 am will be held to the February 25, 2013, calendar.

## **SECOND READING OF HOUSE RESOLUTIONS**

### **HJR 5**

The following was read the second time:

#### **HOUSE JOINT RESOLUTION NO. 5**

Opposing the United States Food and Drug Administration's preliminary finding relating to genetically engineered salmon; urging further examination of genetically engineered salmon;

opposing AquaBounty's petition to produce genetically engineered salmon; and proposing, if AquaBounty's petition is approved, that its product should be labeled as "genetically modified."

with the:	Journal Page
FSH RPT CS(FSH) 3DP 3NR	268
FN1: ZERO(H.FSH)	268
RES REFERRAL WAIVED	276

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. 5(FSH)  
(same title)

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHJR 5(FSH) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 5(FSH) was read the third time.

The question being: "Shall CSHJR 5(FSH) pass the House?" The roll was taken with the following result:

CSHJR 5(FSH)  
Third Reading  
Final Passage

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

Yeas: Austerman, Chenault, Costello, Drummond, 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

Excused: Edgmon, Guttenberg

And so, CSHJR 5(FSH) 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 - Delta Elementary School, 2012 National Title I Distinguished School

By Representatives Feige, Chenault, Austerman, Costello, Drummond, Edgmon, 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; Senator Bishop

In Memoriam - Hazel Rosendahl

By Representatives Isaacson, T. Wilson, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Higgins, Holmes, Hughes, Johnson, Josephson, Kawasaki, Keller, Kerttula, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P. 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 11:00 a.m., March 1 to 11:00 p.m., March 3

Representative Drummond – from 12:50 p.m., February 22 to 7:50 p.m., February 24

Representative Gara – from 6:00 a.m., February 23 to 1:30 p.m., February 25

Representative Holmes – from 6:00 a.m., February 23 to 10:00 p.m., February 24

Representative Johnson – from 11:30 a.m., February 21 to 10:30 a.m., February 25

Representative Reinbold – from 5:00 p.m., March 6 to 9:00 p.m., March 11

Representative Thompson – from 11:00 a.m., March 21 to 10:30 a.m., March 25; and from 11:00 a.m., March 29 to 10:30 a.m., April 1

Representative Tuck – from 6:30 p.m., March 29 to 10:00 a.m., April 1

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Pursuant to AS 44.33.520, the Speaker appointed Representative Nageak to the Alaska Native Language Preservation and Advisory Council as a nonvoting member.

**HCR 1**

Representative Foster added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 1

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

**HJR 1**

Representative Lynn added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 1

Proposing amendments to the Constitution of the State of Alaska relating to state aid for education.

**HJR 4**

Representative Reinbold added her name as cosponsor to:

**HOUSE JOINT RESOLUTION NO. 4**

Urging the President of the United States to rescind 23 executive orders related to regulation of firearms; and urging the United States Congress to refrain from passing legislation that restricts the right of individuals to keep and bear arms.

**HJR 5**

Representatives Edgmon, Foster, Herron, Gruenberg, LeDoux, Olson, Josephson, Millett, Holmes, Drummond, Isaacson, Johnson, Munoz, Chenault, Higgins, T. Wilson, and Gattis added their names as cosponsors to:

**CS FOR HOUSE JOINT RESOLUTION NO. 5(FSH)**

Opposing the United States Food and Drug Administration's preliminary finding relating to genetically engineered salmon; urging further examination of genetically engineered salmon; opposing AquaBounty's petition to produce genetically engineered salmon; and proposing, if AquaBounty's petition is approved, that its product should be labeled as "genetically modified."

**HJR 9**

Representative LeDoux added her name as cosponsor to:

**HOUSE JOINT RESOLUTION NO. 9**

Supporting the continued and increased exploration, extraction, processing, and production of rare earth elements in the state; and urging the United States Congress to support efforts of the state to develop rare earth elements in the state for the benefit of the economic and national security of the United States.

**HB 46**

Representatives Johnson, Gattis, and P. Wilson added their names as cosponsors 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 49**

Representative Kreiss-Tomkins added his name as cosponsor to:

**HOUSE BILL NO. 49**

"An Act establishing the Alaska Chinook salmon research and restoration endowment fund and relating to grants from the fund."

**HB 52**

Representative Costello added her name as cosponsor to and Representative Gara removed his name as cosponsor to:

**HOUSE BILL NO. 52 am**

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

**HB 56**

Representatives Johnson, P. Wilson, Gattis, and Isaacson added their names as cosponsors to:

**HOUSE BILL NO. 56**

"An Act excluding motorcycles and motor-driven cycles from the passenger vehicle rental tax; and providing for an effective date."

**HB 69**

Representative Neuman added his name as cosponsor to:

**HOUSE BILL NO. 69**

"An Act exempting certain firearms and firearm accessories in this state from federal regulation; providing criminal penalties for federal officials who enforce or attempt to enforce a federal law, regulation, rule, or order regulating certain firearms and firearm accessories in this state; and providing for an effective date."

**HB 116**

Representative LeDoux added her name as cosponsor to:

## HOUSE BILL NO. 116

"An Act relating to the use of credited military service by retired peace officers and firefighters to meet certain requirements for major medical insurance coverage; and providing for an effective date."

**ENGROSSMENT****HJR 5**

CSHJR 5(FSH) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

**ENROLLMENT****HB 80**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 4:46 p.m., February 19, 2013:

## 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."

**ANNOUNCEMENTS**

House committee schedules are published under separate cover.

**ADJOURNMENT**

Representative Pruitt moved and asked unanimous consent that the House adjourn until 10:45 a.m., February 21, 2013, for a joint session. There being no objection, the House adjourned at 12:33 p.m.

Suzi Lowell  
Chief Clerk