

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Friday

February 22, 2013

Thirty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:34 a.m.

Roll call showed 30 members present. Representatives Austerman, Edgmon, Guttenberg, Herron, Higgins, Johnson, and LeDoux had been previously excused from a call of the House today. Representative Hawker was absent and his presence was noted later.

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 Keller – from today to 6:00 p.m., February 23

Representative Neuman – from today to 2:00 p.m., February 25

The invocation was offered by the Chaplain, Representative P. Wilson. Representative T. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With the deepest respect for the religious beliefs of all Alaskans, I offer the following prayer.

Dear Heavenly Father,

We thank you for this wonderful day. We thank you for this great state of Alaska in which we live. We thank you for

these men and women who are setting aside time in their lives to come to Juneau to serve the people of this state.

Please bless the members in this body. Bless us with wisdom, knowledge, understanding, and discernment as we go about our duties, for what we do affects many Alaskans' lives. Bless us to always remember that it is you who does inspire and guide us and has given us this opportunity to serve in our positions. Holy Spirit, guide us to what you would have us do. Bless the people of Alaska with health and prosperity and help us as legislators meet the goals we have taken on for this state in the coming year. Please bless our military and their families for putting our country's safety first.

We thank thee for all thy blessings we receive every day; we pray all these things in Jesus' name. Amen.

The Pledge of Allegiance was led by Representative Nageak.

CERTIFICATION OF THE JOURNAL

Representative Pruitt moved and asked unanimous consent that the journal for the 37th and 38th legislative days and House and Senate Joint Journal Supplement No. 3 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HB 88

A message dated February 21, 2013, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 88(HSS)

"An Act changing the terms 'mental retardation' and 'mentally retarded,' and making conforming changes, in Alaska Statutes."

CSHB 88(HSS) was referred to the Chief Clerk for enrollment.

A message dated February 20, 2013, was read stating the Senate passed the following, and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SJR 6**

SENATE JOINT RESOLUTION NO. 6 by Senator DYSON:

Urging the United States Congress not to relinquish to the office of the President of the United States the legislative duty to safeguard our most fundamental right; and urging the President of the United States to refrain from any further efforts to restrict ownership of firearms.

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

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 31**

SENATE BILL NO. 31 by Senator STEVENS, entitled:

"An Act naming the runway at the state-owned airport in Akhiok the Jim Andie and Robin Starrett Memorial Runway."

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

REPORTS OF STANDING COMMITTEES

The Finance Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Paula Easley
Russell Webb

as members of the Alaska Mental Health Trust Authority Board of Trustees.

The report was signed by Representatives Austerman and Stoltze, Co-chairs; and Representatives Costello, Gara, Kawasaki (Alternate), Holmes, Munoz, Neuman, Thompson, and T. Wilson.

HB 9

The Labor & Commerce Committee considered:

HOUSE BILL NO. 9

"An Act relating to secured transactions under the Uniform Commercial Code and to the regulation of funds transfers, including remittance transfers, under the Uniform Commercial Code and federal law; and providing for an effective date."

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

Do pass (3): Reinbold, Josephson, Olson

No recommendation (3): Chenault, Saddler, Millett

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Zero, Dept. of Natural Resources

HB 9 was referred to the Judiciary Committee.

HB 21

The Education Committee considered:

HOUSE BILL NO. 21

"An Act relating to the length of a school week; and providing for an effective date."

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

Do pass (2): LeDoux, Seaton

Amend (3): P. Wilson, Saddler, Gattis

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Education & Early Development

HB 21 was referred to the Finance Committee.

HB 27

The Education Committee considered:

HOUSE BILL NO. 27

"An Act relating to student counts, unreserved school operating fund balances, restrictions on school district money, and estimates for public school funding; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 27(EDC)
(same title)

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

Do pass (5): Drummond, LeDoux, P. Wilson, Saddler, Seaton

No recommendation (1): Gattis

Amend (1): Reinbold

The following fiscal note(s) apply to CSHB 27(EDC):

1. Fiscal, Dept. of Education & Early Development

HB 27 was referred to the Finance Committee.

HB 68

The Labor & Commerce Committee considered:

HOUSE BILL NO. 68

"An Act relating to the computation of the tax on the taxable income of a corporation derived from sources within the state."

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

No recommendation (6): Chenault, Saddler, Millett, Josephson, Reinbold, Olson

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue

HB 68 was referred to the Finance Committee.

HB 87

The Education Committee considered:

HOUSE BILL NO. 87

"An Act extending the special education service agency; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 87(EDC)

"An Act relating to allocations to the special education service agency and extending the special education service agency; and providing for an effective date."

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

Do pass (5): Seaton, P. Wilson, LeDoux, Saddler, Gattis

A House Education Committee letter of intent for CSHB 87(EDC), signed by Representative Gattis, Chair, follows:

"The House Education Committee wishes to recognize the importance of the Special Education Service Agency in meeting the needs of Alaskans and in maintaining compliance with Federal law. The House Education Committee recognizes the challenges the Agency has experienced in meeting its mission while being flat-funded for the past

fifteen years and respectfully suggests that consideration be given to ensuring that the agency remains adequately funded."

The following fiscal note(s) apply to CSHB 87(EDC):

1. Fiscal, Dept. of Education & Early Development

HB 87 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 – Lester C. Lunceford
By Senator Stevens; Representative Austerman

In Memoriam – Clarence Jackson Sr.
By Representative Kreiss-Tomkins; Senator Stedman

In Memoriam – Martha Delores Olsen Randolph
By Senator Stevens; Representative Austerman

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 135

HOUSE BILL NO. 135 by Representative KELLER, entitled:

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

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

HB 136

HOUSE BILL NO. 136 by Representative MILLETT, entitled:

"An Act requiring the governor's fiscal plan to include certain information."

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

HB 137

HOUSE BILL NO. 137 by Representative MILLETT, entitled:

"An Act stating that a feasibility study for the development and operation of a hydroelectric site at Chikuminuk Lake is not an incompatible use in the Wood-Tikchik State Park; relating to the Wood-Tikchik State Park management plan and the amendment of the plan to allow for a feasibility study for the development and operation of a hydroelectric site at Chikuminuk Lake; relating to the enforcement of provisions in the Wood-Tikchik State Park management plan and regulations relating to the Wood-Tikchik State Park that are inconsistent with a feasibility study for the development and operation of a hydroelectric site at Chikuminuk Lake; and providing for an effective date."

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

HB 138

HOUSE BILL NO. 138 by Representatives HUGHES and P. Wilson, entitled:

"An Act extending the annual deadline by which employers are required to deliver layoff or nonretention notices to employees who are tenured teachers."

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

HB 139

HOUSE BILL NO. 139 by Representatives KERTTULA, Josephson, and Gruenberg, entitled:

"An Act adding to the powers and duties of the State Commission for Human Rights; and relating to and prohibiting discrimination based on sexual orientation or gender identity or expression."

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

HB 140

HOUSE BILL NO. 140 by Representatives REINBOLD and P. Wilson, entitled:

"An Act relating to the information that must be included with certain notices provided for the proposed adoption, amendment, or repeal of a regulation."

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

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 22**

The following was read the second time:

HOUSE BILL NO. 22

"An Act extending the termination date of the Board of Marine Pilots; and providing for an effective date."

with the:

Journal Page

L&C RPT CS(L&C) 7DP	153
FN1: (CED)	154
FIN RPT CS(L&C) 9DP 1NR	264
FN2: (CED)	264

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. 22(L&C)
(same title)

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHB 22(L&C) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 22(L&C) was read the third time.

**The presence of Representative Hawker was noted.

The question being: "Shall CSHB 22(L&C) pass the House?" The roll was taken with the following result:

CSHB 22(L&C)
Third Reading
Final Passage

YEAS: 31 NAYS: 0 EXCUSED: 9 ABSENT: 0

Yeas: Chenault, Costello, Drummond, Feige, Foster, Gara, Gattis, Gruenberg, Hawker, Holmes, Hughes, Isaacson, Josephson, Kawasaki, Kerttula, Kreiss-Tomkins, Lynn, Millett, Munoz, Nageak, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Austerman, Edgmon, Guttenberg, Herron, Higgins, Johnson, Keller, LeDoux, Neuman

And so, CSHB 22(L&C) 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 22(L&C) was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 14

The following was read the second time:

SENATE BILL NO. 14

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

with the:	Journal Page
L&C RPT 5DP	267
FN1: ZERO(CED)	267

Representative Pruitt moved and asked unanimous consent that SB 14 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SB 14 was read the third time.

The question being: "Shall SB 14 pass the House?" The roll was taken with the following result:

SB 14
 Third Reading
 Final Passage

YEAS: 31 NAYS: 0 EXCUSED: 9 ABSENT: 0

Yeas: Chenault, Costello, Drummond, Feige, Foster, Gara, Gattis, Gruenberg, Hawker, Holmes, Hughes, Isaacson, Josephson, Kawasaki, Kerttula, Kreiss-Tomkins, Lynn, Millett, Munoz, Nageak, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P.Wilson, T.Wilson

Excused: Austerman, Edgmon, Guttenberg, Herron, Higgins, Johnson, Keller, LeDoux, Neuman

And so, SB 14 passed the House.

Representative Stoltze gave notice of reconsideration of the vote on SB 14.

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

By Representatives Seaton, 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, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson; Senator Micciche

Honoring – Judith K. Nelson

By Representatives Edgmon, Chenault, Costello, Drummond, 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; Senator Stevens

Honoring – Mary Jane Fate

By Representatives T. 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, P. Wilson; Senator Coghill

Honoring – The 2012 Homer High School Softball Team for Athletic and Academic Excellence

By Representatives Seaton, 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, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson; Senator Micciche

Honoring – Skyview High School Girls Volleyball Team, Southcentral Conference

By Representatives Seaton, 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, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson; Senator Micciche

Honoring – Center for Alaskan Coastal Studies, 30th Anniversary
By Representatives Seaton, 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, Tarr, Thompson, Tuck, P. Wilson, T. Wilson; Senator Micciche

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

In Memoriam – Jacob Ahwinona
By Representatives Foster, Chenault, Costello, Drummond, Edgmon, Feige, 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 Olson

In Memoriam – James Fair Crockett
By Senator Fairclough; Representatives Pruitt, 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, 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 Chenault – from noon, today to 10:00 a.m., February 25; and from 7:00 a.m., March 8 to 10:00 p.m., March 10

Representative Costello – from 6:00 a.m., March 6 to 8:30 p.m., March 10

Representative Gruenberg – from 7:00 a.m., February 23 to 4:00 p.m., February 24

Representative Isaacson – from 7:00 a.m., March 6 to 7:30 p.m., March 11

Representative Lynn – from 5:00 p.m., March 6 to 10:00 a.m., March 11

Representative Millett – from 11:30 a.m., today to noon, February 24 (amended from page 277)

Representative Nageak – from 6:00 a.m., March 5 to 9:45 p.m., March 10

Representative Olson – from:
noon, March 6 to 7:00 p.m., March 10;
2:30 p.m., March 22 to 4:00 p.m., March 24; and
8:00 p.m., February 25 to 9:30 a.m., March 1 (amended from page 256)

Representative Reinbold – from 11:30 a.m., March 22 to 10:00 p.m., March 24

Representative Saddler – from 6:00 a.m., March 1 to 2:30 p.m., March 3

Representative T. Wilson – from 7:00 a.m., March 7 to 9:45 p.m., March 10

HJR 9

Representative Gruenberg added his 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 9

Representative Olson added his name as cosponsor to:

HOUSE BILL NO. 9

"An Act relating to secured transactions under the Uniform Commercial Code and to the regulation of funds transfers, including remittance transfers, under the Uniform Commercial Code and federal law; and providing for an effective date."

HB 22

Representatives Tuck, Gruenberg, Seaton, Chenault, and Kreiss-Tomkins added their names as cosponsors to:

CS FOR HOUSE BILL NO. 22(L&C)

"An Act extending the termination date of the Board of Marine Pilots; and providing for an effective date."

HB 24

Representatives Thompson and Reinbold added their names as cosponsors to:

HOUSE BILL NO. 24

"An Act relating to self-defense in any place where a person has a right to be."

HB 35

Representative Costello added her name as cosponsor to:

HOUSE BILL NO. 35

"An Act creating a low-interest loan program for homeowners who improve or replace their home heating systems; and providing for an effective date."

HB 90

Representative Reinbold removed her name as cosponsor to:

HOUSE BILL NO. 90

"An Act establishing a temporary program in the Department of Health and Social Services for testing newborns for baseline vitamin D levels."

HB 130

Representative Tarr added her name as cosponsor to:

HOUSE BILL NO. 130

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

SB 14

Representative Tuck added his name as cross sponsor to:

SENATE BILL NO. 14

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

ENGROSSMENT

HB 22

CSHB 22(L&C) 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.

ADJOURNMENT

Representative Pruitt moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 25, 2013. There being no objection, the House adjourned at 11:14 a.m.

Suzi Lowell
Chief Clerk