

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

February 25, 2013

Forty-second Day

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

Roll call showed 36 members present. Representatives Guttenberg, Kerttula, and Neuman had been excused from a call of the House today.

Representative Pruitt moved and asked unanimous consent that Representative Kawasaki be excused from a call of the House today. There being no objection, it was so ordered.

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

In deepest respect for the religious beliefs of each person here,
I invite you into a time of prayer and reflection. Let us pray.

I want to thank you for the opportunity to live and serve in the beautiful state of Alaska. As we look to the future of this great state, may we work in the spirit of cooperation to find the answer that is best for Alaska and its people. As they look, give them the wisdom to see the answer in this ever-changing world. And through the hard work of these present, bless the people of Alaska.

I pray that you will bless each person here in the House and their families as they make sacrifices to serve the great state of Alaska. Once again, thank you for this day; may it bring honor to you. I pray this in Jesus' name. Amen.

The Pledge of Allegiance was led by Representative Kreiss-Tomkins.

CERTIFICATION OF THE JOURNAL

Representative Pruitt moved and asked unanimous consent that the journal for the 39th, 40th, and 41st legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Tuck introduced Caden Vaught, Guest Page, from Anchorage.

INTRODUCTION OF CITATIONS

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

In Memoriam – Lawrence "Larry" Rooney
By Representative Reinbold; Senator Fairclough

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 141

HOUSE BILL NO. 141 by the House Labor and Commerce Committee, entitled:

"An Act setting the fee for medical treatment or services performed outside the state under the Alaska Workers' Compensation Act, requiring a provider of medical treatment or services under the Alaska Workers' Compensation Act to submit bills for treatment or services to employers within 180 days after

the date the treatment or services are rendered, and limiting the time for appealing an employer's denial or reduction of a bill; and providing for an effective date."

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

HB 142

HOUSE BILL NO. 142 by Representative GATTIS, entitled:

"An Act increasing the monthly stipend available for students attending a statewide boarding school operated by a school district; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 69

The following was read the second time:

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."

with the:

Journal Page

JUD RPT CS(JUD) NT 6DP 1NR	325
FN1: ZERO(COR)	326
FN2: ZERO(LAW)	326
FN3: ZERO(DPS)	326

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. 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."

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHB 69(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 69(JUD) was read the third time.

The question being: "Shall CSHB 69(JUD) pass the House?" The roll was taken with the following result:

CSHB 69(JUD)

Third Reading

Final Passage

YEAS: 31 NAYS: 5 EXCUSED: 4 ABSENT: 0

Yeas: Austerman, Chenault, Costello, Edgmon, Feige, Foster, Gattis, Hawker, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Keller, LeDoux, Lynn, Millett, Munoz, Nageak, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P.Wilson, T.Wilson

Nays: Drummond, Gara, Gruenberg, Josephson, Kreiss-Tomkins

Excused: Guttenberg, Kawasaki, Kerttula, Neuman

And so, CSHB 69(JUD) 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.

Representative Tuck gave notice of reconsideration of the vote on CSHB 69(JUD).

HOUSE BILLS IN THIRD READING

HB 52

The following, which was held from the February 20, 2013, calendar (page 332), was before the House in third reading:

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."

Representative Gara moved and asked unanimous consent that HB 52 am be returned to second reading for the specific purpose of considering Amendment No. 3. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Gara:

Page 4, following line 10:

Insert a new subsection to read:

"(g) After an otherwise eligible individual has been absent from the state as allowed under AS 43.23.008(a)(1)-(16) for more than 180 days in each of the 10 preceding qualifying years, the department shall hold the dividend in trust for the individual. The department shall pay the amount held in trust to the individual when the individual has been present in the state for at least 250 days in a qualifying year."

Representative Gara moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Feige objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

HB 52 am
Second Reading
Amendment No. 3

YEAS: 7 NAYS: 29 EXCUSED: 4 ABSENT: 0

Yeas: Drummond, Gara, Gruenberg, Josephson, Kreiss-Tomkins, Tarr, Tuck

Nays: Austerman, Chenault, Costello, Edgmon, Feige, Foster, Gattis, Hawker, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Keller, LeDoux, Lynn, Millett, Munoz, Nageak, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Thompson, P.Wilson, T.Wilson

Excused: Guttenberg, Kawasaki, Kerttula, Neuman

And so, Amendment No. 3 was not adopted.

HB 52 am was automatically in third reading.

The question being: "Shall HB 52 am pass the House?" The roll was taken with the following result:

HB 52 am
Third Reading
Final Passage

YEAS: 30 NAYS: 6 EXCUSED: 4 ABSENT: 0

Yeas: Austerman, Chenault, Costello, Edgmon, Feige, Foster, Gattis, Gruenberg, Hawker, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Josephson, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Olson, Pruitt, Reinbold, Saddler, Tarr, Thompson, P.Wilson, T.Wilson

Nays: Drummond, Gara, Keller, Seaton, Stoltze, Tuck

Excused: Guttenberg, Kawasaki, Kerttula, Neuman

And so, HB 52 am 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.

HB 52 am was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HJR 4

The following was read the second time:

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.

with the:

Journal Page

JUD RPT CS(JUD) NT 6DP 1NR

249

FN1: ZERO(H.JUD)

249

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. 4(JUD)

Urging the President of the United States to rescind 23 executive orders, executive actions, and executive recommendations, 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.

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHJR 4(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHJR 4(JUD) will advance to third reading on the February 27, 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 – Lester C. Lunceford

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 – Clarence Jackson Sr.

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

In Memoriam – Martha Delores Olsen Randolph

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

RECONSIDERATION**SB 14**

Representative Stoltze brought up reconsideration of the vote on SB 14 (page 353).

The following was before the House in third reading:

SENATE BILL NO. 14

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

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

SB 14

Third Reading

Final Passage

Reconsideration

YEAS: 35 NAYS: 1 EXCUSED: 4 ABSENT: 0

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

Nays: Johnson

Excused: Guttenberg, Kawasaki, Kerttula, Neuman

And so, SB 14 passed the House on reconsideration, was signed by the Speaker and Chief Clerk, and returned to the Senate.

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 6:00 a.m., March 5 to 8:30 p.m., March 10 (amended from page 356)

Representative Holmes – from 6:30 p.m., March 1 to 10:00 p.m., March 3

Representative Feige – from 6:00 p.m., March 1 to 10:00 a.m., March 4

HB 88

The following memorandum dated February 22, 2013, was received from Patty Rose, Enrolling Secretary, Division of Legal and Research Services, regarding:

CS FOR HOUSE BILL NO. 88(HSS)

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

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest error in CSHB 88(HSS), which has been corrected in enrolling:

Page 15, line 3:

Delete "development"

Insert "developmental""

HJR 9

Representative Tarr 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 69

Representative Isaacson added his name as cosponsor to:

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."

HB 83

Representative Saddler added his name as cosponsor to:

HOUSE BILL NO. 83

"An Act relating to certain federal statutes, regulations, presidential executive orders, and secretarial orders; relating to the duties of the attorney general; and providing for an effective date."

HB 85

Representative Tarr added her name as cosponsor to:

HOUSE BILL NO. 85

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

HB 130

Representatives Nageak, Gruenberg, and Drummond added their names as cosponsors to:

HOUSE BILL NO. 130

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

ENGROSSMENT**HB 52**

HB 52 am 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.

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Labor & Commerce Committee

CHANGED TO:

3:45 p.m.

Resources Committee

CHANGED TO:

2:00 p.m.

ADJOURNMENT

Representative Pruitt moved and asked unanimous consent that the House adjourn until 10:30 a.m., February 27, 2013. There being no objection, the House adjourned at 1:39 p.m.

Suzi Lowell
Chief Clerk