

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

February 27, 2013

Forty-fourth Day

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

Roll call showed 35 members present. Representatives Guttenberg, Kerttula, and Olson had been previously excused from a call of the House today. Representatives Edgmon and Kawasaki were absent and their presence was noted later.

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 am humbled as I pray for the people of Alaska and their representatives—great people serving the great state of Alaska with their time and talents. Their goal is to make the state of Alaska a better place to live, work, and play. Help them to find what is best for the people and the state in which we live. May they have the confidence to know how to proceed in all the matters placed before them.

I pray that you will bless each person here in the House and their families. 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 Keller.

CERTIFICATION OF THE JOURNAL

Representative Pruitt moved and asked unanimous consent that the journal for the 42nd and 43rd legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated February 25, 2013, was read stating the Senate passed the following, and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 37

SENATE BILL NO. 37 by Senators FAIRCLOUGH, Dyson, Ellis, Gardner, French, McGuire, Meyer, Micciche, Olson, Dunleavy, and Kelly, entitled:

"An Act extending the termination date of the Statewide Suicide Prevention Council; and providing for an effective date."

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

COMMUNICATIONS

The following were received:

Alaska Commercial Fishing and Agriculture Bank
2012 Annual Report
(as required by AS 44.81.200)

Rural Alaska Community Action Program, Inc.
FY 2012 Annual Report

REPORTS OF STANDING COMMITTEES**HJR 10**

The Transportation Committee considered:

HOUSE JOINT RESOLUTION NO. 10

Proposing amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund.

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

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

The following fiscal note(s) apply:

1. Fiscal, Office of the Governor

HJR 10 was referred to the Judiciary Committee.

HB 109

The Transportation Committee considered:

HOUSE BILL NO. 109

"An Act naming bridge number 670, over the Kasilof River on the Sterling Highway, the Michael G. Wiley Bridge."

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

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

The following fiscal note(s) apply:

1. Zero, House Transportation Committee/Dept. of Transportation & Public Facilities

HB 109 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 – Henry P. Guinotte

By Representatives Hughes, Stoltze, Neuman, Gattis, Feige, Reinbold, Saddler; Senator Dunleavy

Honoring – Margaret "Micky" Howard on the Occasion of Her Retirement

By Representatives Thompson, Isaacson

Honoring – West Homer Elementary, 2012 Blue Ribbon School of Excellence

By Representative Seaton; Senator Micciche

Honoring – 2013 Top Ten Kuskokwim 300 Finishers

By Senator Hoffman; Representative Herron

Honoring – The Alaska Native Science & Engineering Program

By Senator Hoffman; Representative Guttenberg

In Memoriam – Charles E. "Bud" Tulin

By Representatives Gruenberg, Gara

In Memoriam – Richard Frank

By Representatives Higgins, Guttenberg

In Memoriam – Albert P. "Sikiagruk" Adams

By Senators Hoffman, Olson, Egan, Stedman, Stevens; Representatives Edgmon, Nageak, Austerman, Feige, Foster, Guttenberg, Herron, Kerttula, Munoz, Seaton, Kreiss-Tomkins, P. Wilson

**The presence of Representative Kawasaki was noted.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HCR 5**

HOUSE CONCURRENT RESOLUTION NO. 5 by Representatives
SADDLER, Herron, and LeDoux:

Relating to awarding the Alaska Decoration of Honor to certain
members of the military.

was read the first time and referred to the House Special Committee on
Military & Veterans' Affairs.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 143**

HOUSE BILL NO. 143 by Representative SEATON, entitled:

"An Act relating to crewmember fishing licenses."

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

HB 144

HOUSE BILL NO. 144 by Representative THOMPSON, entitled:

"An Act relating to biometric information."

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

HB 145

HOUSE BILL NO. 145 by Representative MILLETT, entitled:

"An Act relating to sea otter population management."

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

HB 146

HOUSE BILL NO. 146 by Representative HIGGINS, entitled:

"An Act relating to proof of motor vehicle liability insurance; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 77

The following was read the second time:

HOUSE BILL NO. 77

"An Act relating to the Alaska Land Act, including certain authorizations, contracts, leases, permits, or other disposals of state land, resources, property, or interests; relating to authorization for the use of state land by general permit; relating to exchange of state land; relating to procedures for certain administrative appeals and requests for reconsideration to the commissioner of natural resources; relating to the Alaska Water Use Act; and providing for an effective date."

with the:

Journal Page

RES RPT CS(RES) 4DP 3AM	266
FN1: ZERO(DNR)	267
FN2: ZERO(DFG)	267

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. 77(RES)
(same title)

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHB 77(RES) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 77(RES) will advance to third reading on the March 4, 2013, calendar.

THIRD READING OF HOUSE RESOLUTIONS

HJR 4

The following, which was advanced to third reading from the February 25, 2013, calendar (page 371), was read the third time:

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.

Representative Gara moved and asked unanimous consent that CSHJR 4(JUD) 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, CSHJR 4(JUD) would be returned to second reading for Amendment Nos. 1, 2, and 3.

Amendment No. 1 was offered by Representative Gara:

Page 1, line 1 (title amendment):

Delete "**rescind**"

Insert "**take certain actions with respect to**"

Page 3, line 11, following "arms":

Insert "; and be it

FURTHER RESOLVED that the Alaska State Legislature supports existing criminal background checks to keep firearms away from violent criminals; and be it

FURTHER RESOLVED that the Alaska State Legislature supports the following recommendations that have been issued to enforce current laws that protect against the sale of guns to violent criminals and that protect against criminal violence:

(1) incentives should be provided for states to share information with the federal background check system to protect against the sale of firearms to violent criminals;

(2) reviews of the categories of persons prohibited from possessing firearms should be conducted to ensure that firearms are not being sold to dangerous criminals;

(3) regulations should be proposed to give law enforcement the ability to run full background checks on dangerous criminals before returning seized firearms so that the firearms are not returned to dangerous criminals;

(4) the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice, should publish a letter to federally licensed firearm dealers providing guidance to private sellers for conducting background checks so that firearms are not sold to dangerous criminals;

(5) agencies should maximize enforcement efforts to prevent firearm violence and prosecute firearm crime; and

(6) efforts should be made to better treat mental health problems that lead to gun violence"

Page 3, line 16, following "States;":

Insert "the Honorable Kathleen Sebelius, United States Secretary of Health and Human Services; the Honorable Arne Duncan, United States Secretary of Education;"

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

Representative Thompson objected.

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

CSHJR 4(JUD)
Second Reading
Amendment No. 1

YEAS: 9 NAYS: 26 EXCUSED: 3 ABSENT: 2

Yeas: Drummond, Gara, Holmes, Josephson, Kawasaki, Kreiss-Tomkins, Munoz, Tarr, Tuck

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

Excused: Guttenberg, Kerttula, Olson

Absent: Edgmon, Gruenberg

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Herron:

Page 2, line 3:
Delete "and"

Page 2, line 4, following "Colorado":
Insert ", and Bethel, Alaska"

Representative Herron moved and asked unanimous consent that Amendment No. 2 be adopted. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Josephson:

Page 1, lines 1 - 4 (title amendment):
Delete all material and insert:
""Urging the President of the United States to propose or sign gun legislation only if it is consistent with the United States Supreme Court's Heller decision and decisions of the Alaska appellate courts, and only after consideration of recommendations

made by the states, and urging the United States Congress to refrain from passing legislation that restricts the right of individuals to keep and bear arms, except when otherwise consistent with the Heller decision.'"

Page 1, line 8, following "arms":

Insert ", with limited exceptions"

Page 1, lines 9 - 13:

Delete all material and insert:

"WHEREAS President Barack Obama has issued 23 executive actions and recommendations, intended to reduce gun-related violence, and many of those actions and recommendations concern mental health, gun training, prosecution of offenses constituting criminal conduct that is currently proscribed, and related subjects that are not considered infringements of Alaskans' constitutional rights to keep and bear arms; and

WHEREAS, in *District of Columbia v. Heller*, 554 U.S. ___, 128 S.Ct. 2783 (2008), the United States Supreme Court struck down a District of Columbia ban on possession of handguns in the home as a violation of the Second Amendment to the Constitution of the United States; and

WHEREAS, in the majority opinion in *Heller*, Justice Antonin Scalia noted that the rights secured by the Second Amendment are not unlimited, and that certain longstanding prohibitions on who may possess firearms, where firearms may be carried, how the commercial sale of firearms may be conducted, and what weapons can be possessed, remain in place, and that some measures regulating handguns may be undertaken; and"

Page 1, line 15, through page 2, line 1:

Delete "will restrict the ability of law-abiding people in the state to own firearms and firearm accessories"

Insert "could be unconstitutional if not consistent with the decision in *Heller*"

Page 2, line 8:

Delete "will"

Insert "may"

Page 2, line 9:

Delete "in a misguided attempt to curb gun-related crime"

Insert "as its objective, although, as Americans, Alaskans will accept those provisions if considered constitutional and not violative of the federal or state constitutions;"

Page 2, lines 10 - 27:

Delete all material and insert:

"**WHEREAS** Alaskans respect the discussion on a national solution to the problems evidenced by the Newtown massacre; and

WHEREAS Alaskans have real concerns that, in an effort to ban categories of firearms or munitions, certain law-abiding people will see restrictions on their right to keep and bear arms, as interpreted in Heller; and"

Page 2, line 28, following "and":

Insert "generally"

Page 2, line 31, through page 3, line 1:

Delete "but one of the lowest rates of gun crimes in the nation"

Page 3, line 4:

Delete "simply"

Page 3, line 5:

Delete all material.

Insert "an additional approach, along with any federal remedy for the criminal misuse and abuse of firearms privileges, would be consideration of recommendations made by members of the legislature to protect the health and safety of Alaskans;"

Page 3, lines 7 - 8:

Delete all material.

Insert "and the United States Congress to enact only legislation consistent with rights under the Second Amendment to the Constitution of the United States and art. I, sec. 19, Constitution of the State of Alaska, as outlined by the judicial officers whose judicial review has expounded on those rights."

Page 3, lines 9 - 11:

Delete all material.

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

Representative Millett objected.

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

CSHJR 4(JUD) am

Second Reading

Amendment No. 3

YEAS: 5 NAYS: 30 EXCUSED: 3 ABSENT: 2

Yeas: Drummond, Herron, Josephson, Tarr, Tuck

Nays: Austerman, Chenault, Costello, Feige, Foster, Gattis, Gruenberg, Hawker, Higgins, Holmes, Hughes, Isaacson, Johnson, Kawasaki, Keller, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Thompson, P.Wilson, T.Wilson

Excused: Guttenberg, Kerttula, Olson

Absent: Edgmon, Gara

And so, Amendment No. 3 was not adopted.

CSHJR 4(JUD) am was automatically in third reading.

**The presence of Representative Edgmon was noted.

Representative Tarr moved and asked unanimous consent that CSHJR 4(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 4. There being no objection, it was so ordered.

The Speaker stated that, without objection, CSHJR 4(JUD) am would be returned to second reading for Amendment Nos. 4 and 5.

Amendment No. 4 was offered by Representative Tarr:

Page 3, line 11, following "arms":

Insert "; and be it

FURTHER RESOLVED that the Alaska State Legislature supports efforts to better treat mental health problems that lead to gun violence"

Representative Tarr moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Stoltze objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

CSHJR 4(JUD) am

Second Reading

Amendment No. 4

YEAS: 10 NAYS: 26 EXCUSED: 3 ABSENT: 1

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

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

Excused: Guttenberg, Kerttula, Olson

Absent: Foster

And so, Amendment No. 4 was not adopted.

Amendment No. 5 (title amendment) was offered by Representatives Munoz and Holmes:

Page 1, line 1:

Delete "23"

Representative Munoz moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative Millett objected.

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

CSHJR 4(JUD) am
Second Reading
Amendment No. 5

YEAS: 16 NAYS: 20 EXCUSED: 3 ABSENT: 1

Yeas: Austerman, Drummond, Edgmon, Feige, Gara, Gruenberg, Herron, Holmes, Josephson, Kawasaki, Kreiss-Tomkins, Munoz, Seaton, Tarr, Thompson, Tuck

Nays: Chenault, Costello, Gattis, Hawker, Higgins, Hughes, Isaacson, Johnson, Keller, LeDoux, Lynn, Millett, Nageak, Neuman, Pruitt, Reinbold, Saddler, Stoltze, P.Wilson, T.Wilson

Excused: Guttenberg, Kerttula, Olson

Absent: Foster

And so, Amendment No. 5 was not adopted.

CSHJR 4(JUD) am was automatically in third reading.

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

The question being: "Shall CSHJR 4(JUD) am pass the House?" The roll was taken with the following result:

CSHJR 4(JUD) am
Third Reading
Final Passage

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

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

Nays: Josephson

Excused: Foster, Guttenberg, Kerttula, Olson

And so, CSHJR 4(JUD) am 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 citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

In Memoriam – Lawrence "Larry" Rooney

By Representatives Reinbold, Stoltze, 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, Saddler, Seaton, Tarr, Thompson, Tuck, P. Wilson, T. Wilson; Senator Fairclough

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 Austerman – from 7:00 a.m., March 7 to 9:30 p.m., March 10

Representative Foster – from today to 10:00 p.m., March 3; and from 6:00 a.m., March 6 to 7:00 p.m., March 10

Representative Hawker – from noon, March 7 to 10:00 p.m., March 9

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

Representative Hughes – from 8:00 p.m., March 4 to 9:30 a.m., March 11

Representative LeDoux – from 7:15 a.m., March 3 to 9:15 p.m., March 10

Representative Saddler – from 6:30 a.m., March 5 to 7:30 a.m., March 10 (amended from page 133)

Representative Seaton – from noon, March 6 to 1:30 p.m., March 11

Representative Millett – from evening plane time, today to 10:30 a.m., March 4 (amended from page 133)

HCR 2

Representative Tarr added her name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 2

Proclaiming the state as a Purple Heart State to honor the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedom enjoyed by all Americans.

HJR 4

Representative Stoltze added his name as cosponsor to:

CS FOR HOUSE JOINT RESOLUTION NO. 4(JUD) am

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.

HJR 6

Representatives Johnson and Tuck added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 6

Relating to legacy wells and legacy well sites; urging the United States Department of the Interior, Bureau of Land Management, to open new areas of the National Petroleum Reserve - Alaska for environmentally responsible oil and gas development; and requesting the Office of the Governor to increase nationwide awareness about legacy wells and well sites.

HJR 10

Representatives Lynn and Gattis added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 10

Proposing amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund.

HB 49

Representative Tarr added her 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 59

Representative Tarr added her name as cosponsor to:

HOUSE BILL NO. 59

"An Act relating to missing vulnerable adult prompt response and notification plans."

HB 89

Representative LeDoux added her name as cosponsor to:

HOUSE BILL NO. 89

"An Act relating to the rapid response to, and control of, aquatic invasive species and establishing the aquatic invasive species response fund."

HB 123

Representatives Lynn and Gattis added their names as cosponsors to:

HOUSE BILL NO. 123

"An Act relating to the transportation infrastructure fund, to local public transportation, to the municipal harbor facility grant fund, to motor fuel taxes, to the motor vehicle registration fee, to driver's license fees, to identification card fees, to the studded tire tax, to the vehicle rental tax, and to other fees and taxes related to motor vehicles; creating the Alaska Transportation Panel; and providing for an effective date."

HB 130

Representatives Josephson, Tuck, and Thompson added their names as cosponsors to:

HOUSE BILL NO. 130

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

HB 140

Representative Hughes added her name as cosponsor to:

HOUSE BILL NO. 140

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

SB 37

Representatives Tarr, Kawasaki, Tuck, Pruitt, P. Wilson, and Herron added their names as cross sponsors to:

SENATE BILL NO. 37

"An Act extending the termination date of the Statewide Suicide Prevention Council; and providing for an effective date."

ENGROSSMENT**HJR 4**

CSHJR 4(JUD) am was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 69

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration:

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."

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Pruitt moved and asked unanimous consent that the House adjourn until 10:30 a.m., March 1, 2013. There being no objection, the House adjourned at 12:37 p.m.

Suzi Lowell
Chief Clerk