

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Friday

March 1, 2013

Forty-sixth Day

Pursuant to adjournment the House was called to order by Speaker pro tempore Pruitt at 10:31 a.m.

Roll call showed 32 members present. Representatives Chenault, Edgmon, Foster, Guttenberg, Kerttula, Millett, and Saddler had been excused from a call of the House today. Representative Austerman was absent and his presence was noted later.

Representative P. Wilson, Acting Majority Leader, moved and asked unanimous consent that Representative Kawasaki be excused from a call of the House from noon, today to 10:30 a.m., March 4. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Captain Donald Warriner of The Salvation Army. Representative T. 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.

As we celebrate the centennial legislative session may we continue to strive to make Alaska a better state. May we continue to work on the foundation of those we followed and change what needs to be changed and keep what is good to ensure that Alaska will be just as great in a hundred years as it is today. Give us the wisdom to take the right steps and the courage to make them.

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

CERTIFICATION OF THE JOURNAL

Representative P. Wilson moved and asked unanimous consent that the journal for the 44th and 45th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

HB 80

A message dated February 28, 2013, was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

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."

Chapter No. 1, SLA 2013

Effective Date: March 1, 2013

MESSAGES FROM THE SENATE

HB 67

A message dated February 27, 2013, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 67(MLV)

"An Act establishing March 29 of each year as Vietnam Veterans Day; and providing for an effective date."

CSHB 67(MLV) was referred to the Chief Clerk for enrollment.

COMMUNICATIONS

The following was received:

Dept. of Education & Early Development
School Capital Project Funding
February 27, 2013
(as required by AS 14.11.035)

**The presence of Representative Austerman was noted.

REPORTS OF STANDING COMMITTEES

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

William Gordon
Adam Trombley

as members of the Board of Governors of the Alaska Bar Association.

Robert Groseclose

as a member of the Commission on Judicial Conduct.

Gerad Godfrey

as a member of the Violent Crimes Compensation Board.

The report was signed by Representative Keller, Chair; and Representatives Gruenberg, Pruitt, Lynn, and LeDoux.

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

Christa Bruce-Kotrc
Jason Hart
Grace Merkes

as members of the State Commission for Human Rights.

Sarah Possenti

as a member of the Board of Parole.

The report was signed by Representative Lynn, Chair; and Representatives Hughes, Isaacson, Gattis, Kreiss-Tomkins, and Keller.

HJR 6

The Resources Committee considered:

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.

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

Do pass (8): Tarr, Johnson, P. Wilson, Hawker, Seaton, Tuck, Saddler, Feige

The following fiscal note(s) apply:

1. Zero, Legislative Agency

HJR 6 was referred to the Rules Committee for placement on the calendar.

HJR 7

The Resources Committee considered:

HOUSE JOINT RESOLUTION NO. 7

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production; relating to oil and gas exploration, development, production, and royalties; and relating to renewable and alternative energy technologies.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 7(RES)

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production; urging the United States Department of the Interior to recognize the private property rights of owners of land in and adjacent to the Arctic National Wildlife Refuge; relating to oil and gas exploration, development, production, and royalties; and relating to renewable and alternative energy technologies.

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

Do pass (7): Johnson, Tuck, Hawker, P. Wilson, Seaton, Saddler, Feige

No recommendation (1): Tarr

The following fiscal note(s) apply to CSHJR 7(RES):

1. Zero, Legislative Agency

HJR 7 was referred to the Rules Committee for placement on the calendar.

HB 24

The Finance Committee considered:

HOUSE BILL NO. 24

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 24(JUD)
(same title)

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

Do pass (5): T. Wilson, Neuman, Costello, Thompson, Stoltze

No recommendation (5): Holmes, Munoz, Gara, Kawasaki
(Alternate), Austerman

The following fiscal note(s) apply to CSHB 24(JUD):

1. Zero, Dept. of Administration
2. Zero, Dept. of Administration
3. Zero, Dept. of Law
4. Zero, Dept. of Public Safety

HB 24 was referred to the Rules Committee for placement on the calendar.

HB 33

The Judiciary Committee considered:

HOUSE BILL NO. 33

"An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law; and relating to reserving the authority to regulate knives to the state with limited exceptions for municipalities to regulate knives."

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

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

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Administration
3. Zero, Dept. of Commerce, Community, & Economic Development
4. Zero, Dept. of Law

HB 33 was referred to the Rules Committee for placement on the calendar.

HB 50

The Labor & Commerce Committee considered:

HOUSE BILL NO. 50

"An Act authorizing the Alaska Housing Finance Corporation to allow certain commercial uses in a multi-unit residential housing development owned or financed by the corporation and limiting the Alcoholic Beverage Control Board's issuance of certain licenses to premises in the residential housing development."

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

Do pass (3): Herron, Josephson, Reinbold

Amend (1): Saddler

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 50 was referred to the Finance Committee.

HB 56

The Finance 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 Representatives Stoltze and Austerman, Co-chairs, with the following individual recommendations:

Do pass (8): Costello, Gara, Kawasaki (Alternate), Holmes, Munoz, T. Wilson, Thompson, Stoltze

No recommendation (1): Austerman

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue

HB 56 was referred to the Rules Committee for placement on the calendar.

HB 63

The Judiciary Committee considered:

HOUSE BILL NO. 63

"An Act extending the termination date of the Board of Governors of the Alaska Bar Association; and providing for an effective date."

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

Do pass (5): Gruenberg, Pruitt, LeDoux, Foster, Lynn

No recommendation (1): Keller

A House Judiciary Committee letter of intent, signed by Representative Keller, Chair, follows:

"It is the intent of HOUSE BILL NO. 63 "An Act extending the termination date of the Board of Governors of the Alaska Bar Association; and providing for an effective date" that a critical function of the Alaska Bar Association is the continuing legal education (CLE) of its membership. CLE contributes to lawyer competence and benefits the public and the profession by ensuring that

attorneys remain current regarding the law, the profession's obligations and standards, and the management of their law practices.

Accordingly, the Alaska Legislature respectfully recommends that the Alaska Supreme Court increase the number of Mandatory Continuing Legal Education (MCLE) credit hours for active members of the Alaska Bar Association."

The following fiscal note(s) apply:

1. Zero, Office of the Governor/Various Depts.

HB 63 was referred to the Finance Committee.

HB 99

The Resources Committee considered:

HOUSE BILL NO. 99

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 99(RES)

"An Act relating to the membership of the Alaska Minerals Commission; and extending the termination date of the Alaska Minerals Commission."

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

Do pass (8): Johnson, Tuck, Hawker, P. Wilson, Tarr, Seaton, Saddler, Feige

The following fiscal note(s) apply to CSHB 99(RES):

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

HB 99 was referred to the Finance Committee.

HB 138

The Education Committee considered:

HOUSE BILL NO. 138

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

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

Do pass (4): Reinbold, LeDoux, P. Wilson, Gattis

No recommendation (2): Seaton, Drummond

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

HB 138 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring – David Hale, UAF 2013 Business Leader of the Year
By Representative Thompson; Senator Kelly

In Memoriam – Patrick Lewis Carter, Jr.
By Senator Coghill

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 147**

HOUSE BILL NO. 147 by Representatives SADDLER and Herron,
entitled:

"An Act extending the reporting date for and the termination date of the Comprehensive Autism Early Diagnosis and Treatment Task Force; and providing for an effective date."

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

HB 148

HOUSE BILL NO. 148 by Representative GUTTENBERG, entitled:

"An Act creating the Stampede State Recreation Area."

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

HB 149

HOUSE BILL NO. 149 by Representatives LEDOUX, Nageak, Tuck, and Lynn, entitled:

"An Act making firefighters employed by the state eligible for the presumption of coverage under workers' compensation for disability due to certain diseases."

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

HB 150

HOUSE BILL NO. 150 by Representative NEUMAN, entitled:

"An Act extending the unemployment contributions for the Alaska technical and vocational education program."

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

HB 151

HOUSE BILL NO. 151 by Representatives REINBOLD, LeDoux, Olson, Keller, and Higgins, entitled:

"An Act establishing a public school and school district grading system for purposes of improving accountability and transparency; providing for Alaska strategic educators in public schools; 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 46

The following was read the second time:

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."

with the:	Journal Page
STA RPT 6DP	266
FN1: ZERO(ADM)	266
TRA RPT 6DP	324
FN1: ZERO(ADM)	324

Representative P. Wilson moved and asked unanimous consent that HB 46 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 46 was read the third time.

The question being: "Shall HB 46 pass the House?" The roll was taken with the following result:

HB 46
Third Reading
Final Passage

YEAS: 33 NAYS: 0 EXCUSED: 7 ABSENT: 0

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

Excused: Chenault, Edgmon, Foster, Guttenberg, Kerttula, Millett, Saddler

And so, HB 46 passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative P. Wilson moved and asked unanimous consent that the House approve the citations on the calendar.

Representative Nageak objected to the citation, In Memoriam – Albert P. "Sikiagruk" Adams. Representative Nageak offered remarks on the citation and withdrew the objection.

Representative Gruenberg objected to the citation, In Memoriam – Albert P. "Sikiagruk" Adams. Representative Gruenberg offered remarks on the citation and withdrew the objection.

There being no further objection, the following citations were approved and sent to enrolling:

Honoring – Henry P. Guinotte

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

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

By Representatives Thompson, Isaacson, 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, Tuck, P. Wilson, T. Wilson

Honoring – West Homer Elementary, 2012 Blue Ribbon School of 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 – 2013 Top Ten Kuskokwim 300 Finishers

By Senator Hoffman; Representatives Herron, Chenault, Austerman, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, 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

Honoring – The Alaska Native Science & Engineering Program

By Senator Hoffman; Representatives Guttenberg, Chenault, Austerman, 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

In Memoriam – Charles E. "Bud" Tulin

By Representatives Gruenberg, Gara, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gattis, 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 – Richard Frank

By Representatives Higgins, Guttenberg, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Hawker, Herron, 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 – Albert P. "Sikiagruk" Adams

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

UNFINISHED BUSINESS

Representative P. Wilson 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 Feige – from 6:00 p.m., March 22 to 10:00 a.m., March 25

Representative Neuman – from 5:30 p.m., March 5 to 10:30 a.m., March 11 (amended from page 100)

HCR 1

Representatives P. Wilson and Seaton added their names as cosponsors to:

HOUSE CONCURRENT RESOLUTION NO. 1

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

HCR 2

Representative Reinbold 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.

HCR 5

Representative Tarr added her name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 5

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

HJR 6

Representatives Hawker and Feige 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.

HB 6

Representative Kreiss-Tomkins added his name as cosponsor to:

HOUSE BILL NO. 6

"An Act establishing procedures and guidelines for auditing pharmacy records; and providing for an effective date."

HB 24

Representative Gattis added her name as cosponsor to:

HOUSE BILL NO. 24

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

HB 46

Representatives Olson, Gara, Reinbold, T. Wilson, and Stoltze 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 84

Representative Holmes added her name as cosponsor to:

HOUSE BILL NO. 84

"An Act relating to applying military education, training, and service credit to occupational licensing and certain postsecondary education and employment training requirements; providing for a temporary occupational license for qualified military service members; and providing for an effective date."

HB 87

Representative Tarr added her name as cosponsor to:

HOUSE BILL NO. 87

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

HB 99

Representative Feige added his name as cosponsor to:

HOUSE BILL NO. 99

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

HB 103

Representative Tarr added her name as cosponsor to:

HOUSE BILL NO. 103

"An Act setting special registration fees for alternative fuel vehicles; and providing for an effective date."

HB 105

Representative Tarr added her name as cosponsor to:

HOUSE BILL NO. 105

"An Act relating to theft and property offenses; and providing for an effective date."

HB 115

Representative Tarr added her name as cosponsor to:

HOUSE BILL NO. 115

"An Act establishing May 10 of each year as Alaska Mining Day."

HB 120

Representative LeDoux added her name as cosponsor to:

HOUSE BILL NO. 120

"An Act adjusting pupil transportation funding; and providing for an effective date."

HB 128

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 128

"An Act relating to prekindergarten programs within a school district; relating to pre-elementary students and pre-elementary schools; providing for the establishment of a statewide early childhood education plan; and providing for an effective date."

HB 138

Representatives Reinbold and Gattis added their names as cosponsors to:

HOUSE BILL NO. 138

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

HB 140

Representatives Herron, LeDoux, and Higgins added their names as cosponsors 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."

HB 144

Representative LeDoux added her name as cosponsor to:

HOUSE BILL NO. 144

"An Act relating to biometric information."

ENGROSSMENT

HB 46

HB 46 was engrossed, signed by the Speaker pro tempore and Chief Clerk, and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative P. Wilson moved and asked unanimous consent that the House adjourn until 10:30 a.m., March 4, 2013. There being no objection, the House adjourned at 11:23 a.m.

Suzi Lowell
Chief Clerk