

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Friday

February 28, 2014

Thirty-ninth Day

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

Roll call showed 30 members present. Representatives Drummond, Foster, Higgins, Millett, Nageak, Reinbold, Saddler, and Thompson had been excused from a call of the House today. Representative Seaton was absent and his presence was noted later.

Representative Pruitt moved and asked unanimous consent that Representative Kawasaki be excused from a call of the House from today to 4:00 p.m., March 1.

The invocation was offered by the Chaplain, Pastor Sue Bahleda of Resurrection Lutheran 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.

With respect to the diversity of voices, beliefs, and practices that call out to a power beyond our individual selves, I offer the following prayer:

Holy and Faithful One,
You have called these men and women, the representatives of the people of Alaska, to ventures of which we cannot yet see the ending, by means as yet unexplored, through perils yet unknown. Help them, as schedules press, deadlines loom, and pressures heighten, to confront one another without rancor, and to work together in mutual forbearance and respect. Grant them minds to think, hearts to love, and hands to serve,

that their work reflect all that is good and just, for the land and the people, today and in all the tomorrows. Amen.

The Pledge of Allegiance was led by Representative Guttenberg.

CERTIFICATION OF THE JOURNAL

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

* * * * *

Representative Lynn introduced Maria Steringer, Guest Page, from Austria, and Romane Seas, Guest Page, from France.

MESSAGES FROM THE SENATE

A message dated February 26, 2014, was read stating the Senate passed the following, and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 124

SENATE BILL NO. 124 by Senators MEYER, Micciche, Olson, Stevens, French, Wielechowski, Ellis, Dyson, Dunleavy, Coghill, McGuire, Gardner, Bishop, Hoffman, Fairclough, Giessel, Egan, Stedman, Huggins, and Kelly, entitled:

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

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

COMMUNICATIONS

The following letters have been received from Lieutenant Governor Treadwell and are on file in the Chief Clerk's office:

A letter dated December 23, 2013, certifying the proper filing of an initiative entitled: "An Act Providing for Protection of Bristol Bay Wild Salmon and Waters Within or Flowing Into the Existing 1972 Bristol Bay Fisheries Reserve."

A letter dated February 20, 2014, certifying the proper filing of an initiative entitled: "An Act to Tax and Regulate the Production, Sale, and Use of Marijuana in Alaska."

A letter dated February 26, 2014, certifying the proper filing of an initiative entitled: "An Act to Increase Alaska's Minimum Wage."

REPORTS OF STANDING COMMITTEES

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

Curtis Thayer

as Commissioner of the Department of Administration.

Gary Folger

as Commissioner of the Department of Public Safety.

The reports were signed by Representative Lynn, Chair; and Representatives Gattis, Keller, Kreiss-Tomkins, and Hughes.

HB 19

The Rules Committee submitted the following forthcoming fiscal note to accompany its report (page 1671):

3. Indeterminate, Dept. of Administration

for

CS FOR HOUSE BILL NO. 19(RLS)

"An Act relating to permanent motor vehicle registration in the unorganized borough and in a municipality that has elected to

allow permanent registration; relating to the registration fee for noncommercial trailers and to the motor vehicle tax for trailers; and providing for an effective date."

HB 19 is in the Rules Committee.

HJR 1

The Judiciary Committee considered:

HOUSE JOINT RESOLUTION NO. 1

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

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

Do pass (2): Pruitt, Keller

Do not pass (1): Gruenberg

No recommendation (2): Millett, LeDoux

The following fiscal note(s) apply:

1. Fiscal, Office of the Governor

HJR 1 was referred to the Finance Committee.

HJR 24

The State Affairs Committee considered:

HOUSE JOINT RESOLUTION NO. 24

Urging the United States Department of State to consider the priorities of the state while it holds the position of chair of the Arctic Council; requesting that the United States Department of State work in partnership with state officials to appoint a chair of the Arctic Council; and supporting the strategic recommendations of the January 30, 2014, preliminary report of the Alaska Arctic Policy Commission.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 24(STA)

Urging the United States Department of State to consider the priorities of the state while it holds the position of chair of the Arctic Council; requesting that the United States Department of State work in partnership with state officials to appoint a chair of the Arctic Council; and supporting the strategic recommendation of the January 30, 2014, preliminary report of the Alaska Arctic Policy Commission.

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

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

The following fiscal note(s) apply to CSHJR 24(STA):

1. Zero, Legislative Agency

HJR 24 is on today's calendar.

HB 234

The Finance Committee considered:

HOUSE BILL NO. 234

"An Act extending the termination date of the Regulatory Commission of Alaska; and providing for an effective date."

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

Do pass (9): Guttenberg, Holmes, Munoz, Neuman, Thompson, Edgmon, T. Wilson, Gara, Austerman

No recommendation (2): Costello, Stoltze

The following fiscal note(s) apply:

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

HB 234 was referred to the Rules Committee for placement on the calendar.

HB 268

The Finance Committee considered:

HOUSE BILL NO. 268

"An Act relating to big bull moose derbies."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 268(FIN)

"An Act relating to big bull moose derbies and the Snow Town Ice Classic; and relating to permits for games of chance and contests of skill."

The report was signed by Representative Stoltze, Co-chair, with the following individual recommendations:

Do pass (3): Neuman, Thompson, T. Wilson

No recommendation (6): Guttenberg, Holmes, Gara, Munoz, Costello, Stoltze

The following fiscal note(s) apply to CSHB 268(FIN):

2. Zero, Dept. of Revenue

HB 268 was referred to the Rules Committee for placement on the calendar.

HB 281

The Health & Social Services Committee considered:

HOUSE BILL NO. 281

"An Act relating to prescription of drugs by a physician without a physical examination."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 281(HSS)
(same title)

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

Do pass (4): Seaton, Pruitt, Keller, Higgins

The following fiscal note(s) apply to CSHB 281(HSS):

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

HB 281 was referred to the Labor & Commerce Committee.

HB 298

The Finance Committee considered:

HOUSE BILL NO. 298

"An Act relating to confidentiality of performance review records and reports of the legislature audit division."

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

Do pass (10): Guttenberg, Holmes, Munoz, Neuman, Gara, Edgmon, T. Wilson, Costello, Stoltze, Austerman

The following fiscal note(s) apply:

1. Zero, Legislative Agency

HB 298 was referred to the Rules Committee for placement on the calendar.

SB 49

The Finance Committee considered:

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 49 am

"An Act relating to women's health services and defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program."

and recommends it be replaced with:

HOUSE CS FOR SPONSOR SUBSTITUTE FOR SENATE
BILL NO. 49(FIN)

"An Act defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program."

(HCR 23 – title change resolution)

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

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

Do not pass (5): Guttenberg, Gara, Edgmon, Holmes, Austerman

Amend (1): Munoz

The following fiscal note(s) apply to HCS SSSB 49(FIN):

2. Indeterminate, Dept. of Health & Social Services
3. Indeterminate, Dept. of Health & Social Services
4. Fiscal, Dept. of Health & Social Services

SSSB 49 am was referred to the Rules Committee for placement on the calendar.

SB 123

The Community & Regional Affairs Committee considered:

SENATE BILL NO. 123

"An Act authorizing a municipality to adopt an ordinance prohibiting the use of cellular telephones while driving in school zones or on school property."

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

Do pass (4): Herron, Olson, Kito III, Nageak

No recommendation (2): Reinbold, LeDoux

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety

SB 123 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 – Jane Soeten

By Representatives Gattis, Keller, Neuman, Hughes, Stoltze; Senators Dunleavy, Dyson

Honoring – Emma Tarbath, 2014 Cook Inlet Conference Cross Country Ski Champion

By Representative Millett

Honoring – Service High School Flag Football Team Players, All Cook Inlet Conference Team 2013

By Representative Millett; Senator Meyer

Honoring – KCAM-AM Radio Glennallen, 50 Years of Service

By Representative Feige

In Memoriam – Barbara Ellen Maenhout

By Representative P. Wilson; Senator Stedman

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 23

HOUSE CONCURRENT RESOLUTION NO. 23 by the House Finance Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 49, relating to women's health services and defining "medically

necessary abortion" for purposes of making payments under the state Medicaid program.

was read the first time and referred to the Rules Committee for placement on the calendar.

HJR 33

HOUSE JOINT RESOLUTION NO. 33 by the House Judiciary Committee:

Proposing amendments to the Constitution of the State of Alaska to increase the number of members on the judicial council and relating to the initial terms of new members appointed to the judicial council.

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 161

The following was read the second time:

HOUSE BILL NO. 161

"An Act relating to auctions or raffles for big game harvest permits and to the selection of nonprofit organizations to conduct auctions and raffles for the Department of Fish and Game."

with the:

Journal Page

RES RPT CS(RES) 5DP

1695

FN1: ZERO(DFG)

1695

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. 161(RES)

(same title)

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHB 161(RES) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 161(RES) will advance to third reading on the March 3, 2014, calendar.

SECOND READING OF HOUSE RESOLUTIONS

HJR 24

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 24

Urging the United States Department of State to consider the priorities of the state while it holds the position of chair of the Arctic Council; requesting that the United States Department of State work in partnership with state officials to appoint a chair of the Arctic Council; and supporting the strategic recommendations of the January 30, 2014, preliminary report of the Alaska Arctic Policy Commission.

with the:

Journal Page

STA RPT CS(STA) NT 5DP

1724

FN1: ZERO(LEG)

1725

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. 24(STA)

Urging the United States Department of State to consider the priorities of the state while it holds the position of chair of the Arctic Council; requesting that the United States Department of State work in partnership with state officials to appoint a chair of

the Arctic Council; and supporting the strategic recommendation of the January 30, 2014, preliminary report of the Alaska Arctic Policy Commission.

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHJR 24(STA) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 24(STA) was read the third time.

**The presence of Representative Seaton was noted.

Representative Johnson moved and asked unanimous consent that all members present be shown as cosponsors to CSHJR 24(STA). There being no objection, the following members were added:

Representatives Chenault, Austerman, Costello, Feige, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Holmes, Hughes, Isaacson, Johnson, Josephson, Keller, Kito III, Kreiss-Tomkins, LeDoux, Lynn, Munoz, Neuman, Olson, Pruitt, Seaton, Stoltze, Tuck, P. Wilson, and T. Wilson.

The question being: "Shall CSHJR 24(STA) pass the House?" The roll was taken with the following result:

CSHJR 24(STA)

Third Reading

Final Passage

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

Yeas: Austerman, Chenault, Costello, Edgmon, Feige, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Holmes, Hughes, Isaacson, Johnson, Josephson, Keller, Kito III, Kreiss-Tomkins, LeDoux, Lynn, Munoz, Neuman, Olson, Pruitt, Seaton, Stoltze, Tarr, Tuck, P. Wilson, T. Wilson

Excused: Drummond, Foster, Higgins, Kawasaki, Millett, Nageak, Reinbold, Saddler, Thompson

And so, CSHJR 24(STA) 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:

Commemorating – Law Enforcement Memorial Day, May 9, 2014
By Representatives Chenault, Stoltze, Austerman, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Josephson, Kawasaki, Keller, Kito III, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Pruitt, Reinbold, Saddler, Seaton, Tarr, Thompson, Tuck, P. Wilson, T. Wilson

Honoring – James Armbrust
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, Kito III, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson

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

Honoring – Captain Jimmy Ng

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

Honoring – Dr. Robert P. Onders, M.D.

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, Kito III, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson

In Memoriam – David A. Kincaid

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

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 Neuman – from 6:00 p.m., March 6 to 10:30 a.m., March 10 (amended from page 1409)

Representative Chenault – from 6:00 p.m., March 7 to 10:00 p.m., March 9

Representative Gruenberg – from noon, March 14 to 7:30 p.m., March 17

Representative Higgins – from 11:30 a.m., March 18 to 10:30 p.m., March 23

HCR 22

Representative Feige added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 22

Urging the governor to take all action necessary to keep in-state oil refiners in operation and to keep oil refining operations in the state competitive.

HJR 18

Representative Herron added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 18

Proposing amendments to the Constitution of the State of Alaska relating to the office of attorney general.

HJR 22

Representatives Munoz and Thompson added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 22

Requesting the United States Congress to call a convention of the states to propose amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office of federal government officials; and urging the legislatures of the other 49 states to request the United States Congress to call a convention of the states.

HB 32

Representatives Johnson, Nageak, and Tuck added their names as cosponsors to:

HOUSE BILL NO. 32

"An Act providing for the issuance of one business license for multiple lines of business; and providing for reissuance of a business license to correct a mistake on the license."

HB 161

Representative Feige added his name as cosponsor to:

CS FOR HOUSE BILL NO. 161(RES)

"An Act relating to auctions or raffles for big game harvest permits and to the selection of nonprofit organizations to conduct auctions and raffles for the Department of Fish and Game."

HB 258

Representative Keller added his name as cosponsor to:

HOUSE BILL NO. 258

"An Act establishing a right of action for the death of an unborn child in certain circumstances."

HB 262

Representative LeDoux added her name as cosponsor to:

HOUSE BILL NO. 262

"An Act exempting the Public Defender Agency and the office of public advocacy from certain provisions of the State Procurement Code; and providing for an effective date."

HB 367

Representative Guttenberg added his name as cosponsor to:

HOUSE BILL NO. 367

"An Act creating a diesel fuel storage facility tax credit for public utilities; and providing for an effective date."

SB 124

Representatives Stoltze, Holmes, and Tuck added their names as cross sponsors to:

SENATE BILL NO. 124

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

ENGROSSMENT

HJR 24

CSHJR 24(STA) 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 10:30 a.m., March 3, 2014. There being no objection, the House adjourned at 11:39 a.m.

Suzi Lowell
Chief Clerk