

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Monday

March 17, 2014

Fifty-sixth Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 11:03 a.m.

Roll call showed 36 members present. Representative Drummond had been excused from a call of the House today. Representative Higgins was absent and later excused (page 1939). Representative Foster was absent.

Representative Pruitt moved and asked unanimous consent that Representative LeDoux be excused from a call of the House from today through 8:00 p.m., March 21. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Lieutenant Lance P. Walters 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.

Heavenly Father, architect of all things, blessed be your name here today in this state legislature.

I praise you for this great nation where we all enjoy the benefit of freedom, where we all have a voice to speak with confidence about things that concern us. Thank you for the men and women that represent the people of this great state of Alaska.

Father, I pray for your guidance to be given to our representatives here in this state capitol. I ask for your

wisdom, understanding, and simplicity to be given to the hearts and minds of the persons present today. Thank you for your help in matters of the government and the making of laws.

Help all here today to spend time and effort on what is important, helping all here to do what is right and good for the people of Alaska.

I pray for your will to be done in this senate today, in Jesus' name, Amen.

The Pledge of Allegiance was led by Representative Lynn.

CERTIFICATION OF THE JOURNAL

Representative Pruitt moved and asked unanimous consent that the journal for the 53rd, 54th, and 55th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Johnson introduced his nephew, Braedon Fulton, Guest Page, from Anchorage.

MESSAGES FROM THE SENATE

A message dated March 14, 2014, was read stating the Senate passed the following, and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 64

CS FOR SENATE BILL NO. 64(FIN) by the Senate Finance Committee, entitled:

"An Act relating to theft and property offenses; relating to the definition of 'prior convictions' for certain theft offenses;

establishing the Alaska Criminal Justice Commission and providing an expiration date; relating to the crime of custodial interference; relating to the duties of the Alaska Judicial Council; relating to jail-time credit for offenders in court-ordered treatment programs; relating to conditions of release, probation, and parole; relating to duties of the commissioner of corrections and board of parole; establishing a fund for reducing recidivism in the Department of Health and Social Services; requiring the commissioner of health and social services to establish programs for persons on conditions of release or probation that require testing for controlled substances and alcoholic beverages; requiring the board of parole to establish programs for persons on parole that require testing for controlled substances and alcoholic beverages; relating to the duties of the Department of Health and Social Services; and providing for an effective date."

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

SB 127

SENATE BILL NO. 127 by Senators GIESSEL, McGuire, and Huggins, entitled:

"An Act authorizing the commissioner of administration to enter into agreements with agents to perform for compensation certain transactions related to vehicles; relating to the duties of those agents; and providing for an effective date."

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

SB 129

CS FOR SENATE BILL NO. 129(FIN) by the Senate Finance Committee, entitled:

"An Act extending the termination date of the Board of Certified Real Estate Appraisers; relating to real estate appraisers; and providing for an effective date."

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

SB 200

SENATE BILL NO. 200 by Senators MCGUIRE, Coghill, Bishop, Giessel, Meyer, Stedman, Dyson, Kelly, Micciche, and Dunleavy, entitled:

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

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

REPORTS OF STANDING COMMITTEES**HCR 18**

The Health & Social Services Committee considered:

HOUSE CONCURRENT RESOLUTION NO. 18

Encouraging hospitals and birthing facilities in the state to participate in the Baby-Friendly Hospital Initiative and to support breastfeeding; and recognizing the benefits of breastfeeding.

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

Do pass (5): Reinbold, Keller, Nageak, Tarr, Higgins

No recommendation (1): Pruitt

The following fiscal note(s) apply:

1. Zero, House Health & Social Services Committee

HCR 18 was referred to the Rules Committee for placement on the calendar.

HCR 19

The Health & Social Services Committee considered:

HOUSE CONCURRENT RESOLUTION NO. 19

Supporting Recover Alaska in its efforts to reduce the effects of excessive alcohol consumption.

and recommends it be replaced with:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 19(HSS)
Supporting Recover Alaska in its efforts to reduce excessive
alcohol consumption and its effects.

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

Do pass (6): Reinbold, Pruitt, Keller, Nageak, Tarr, Higgins

The following fiscal note(s) apply to CSHCR 19(HSS):

1. Zero, House Health & Social Services Committee

HCR 19 was referred to the Rules Committee for placement on the
calendar.

HJR 33

The Judiciary Committee considered:

HOUSE JOINT RESOLUTION NO. 33
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.

and recommends it be replaced with:

CS FOR HOUSE JOINT RESOLUTION NO. 33(JUD)
(same title)

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

Do pass (2): Lynn, Keller

Do not pass (1): Gruenberg

No recommendation (2): LeDoux, Pruitt

The following fiscal note(s) apply to CSHJR 33(JUD):

1. Fiscal, Alaska Court System
2. Fiscal, Office of the Governor

HJR 33 was referred to the Finance Committee.

HB 134

The Health & Social Services Committee considered:

HOUSE BILL NO. 134

"An Act requiring Medicaid payment for scheduled unit dose prescription drug packaging and dispensing services for specified recipients."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 134(HSS)

"An Act requiring Medicaid payment for medication compliance packaging, delivery, and dispensing services of a prescription for specified recipients; and providing for an effective date."

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

Do pass (4): Reinbold, Nageak, Tarr, Higgins

No recommendation (2): Pruitt, Keller

The following fiscal note(s) apply to CSHB 134(HSS):

1. Zero, Dept. of Health & Social Services

HB 134 was referred to the Finance Committee.

HB 202

The Resources Committee considered:

HOUSE BILL NO. 202

"An Act raising the application fee for a drawing permit for the hunting of bison to \$20; requiring the game management plan for bison in the Delta Junction Bison Range Area to include mitigation of bison damage to farm crops and farm and personal property; and authorizing the commissioner of natural resources to make grants to mitigate or prevent damage caused by bison."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 202(RES)

"An Act raising the application fee for a drawing permit for the hunting of bison to \$20 and relating to the allocation of funds collected for the application fee; requiring the game management plan for bison in the Delta Junction Bison Range Area to include prevention of bison damage to farm crops and farm and personal property; and authorizing the commissioner of natural resources to make grants to soil and water conservation districts to prevent damage caused by bison."

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

Do pass (2): P. Wilson, Feige

No recommendation (6): Seaton, Tarr, Olson, Hawker, Johnson, Saddler

Amend (1): Kawasaki

The following fiscal note(s) apply to CSHB 202(RES):

1. Fiscal, Dept. of Fish & Game
2. Fiscal, Dept. of Natural Resources

HB 202 was referred to the Finance Committee.

HB 250

The Health & Social Services Committee considered:

HOUSE BILL NO. 250

"An Act making an expression of apology, responsibility, liability, sympathy, commiseration, compassion, or benevolence by a health care provider inadmissible in a medical malpractice case; requiring a health care provider to advise a patient or the patient's legal representative to seek legal advice before making an agreement with the patient to correct an unanticipated outcome of medical treatment or care; and amending Rules 402, 407, 408, 409, and 801, Alaska Rules of Evidence."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 250(HSS)

"An Act making an expression of apology, responsibility, sympathy, commiseration, compassion, or benevolence by a health care provider inadmissible in a medical malpractice case; requiring a health care provider to advise a patient or the patient's legal representative to seek legal advice before making an agreement with the patient to correct an unanticipated outcome of medical treatment or care; and amending Rules 402, 407, 408, 409, and 801, Alaska Rules of Evidence."

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

Do pass (6): Reinbold, Pruitt, Keller, Nageak, Tarr, Higgins

The following fiscal note(s) apply to CSHB 250(HSS):

1. Zero, Dept. of Corrections

HB 250 was referred to the Judiciary Committee.

INTRODUCTION OF CITATIONS

The following citation was introduced and taken up later as a Special Order of Business:

Honoring – Alaska First Responders
By Senator McGuire

Representative Pruitt moved and asked unanimous consent that Representative Higgins's excused absence (page 1865) be extended through today. There being no objection, it was so ordered.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 297

The following was read the second time:

HOUSE BILL NO. 297

"An Act recognizing the Alaska Housing Finance Corporation as the authorizing agency to approve home energy rating systems for the state; and providing for an effective date."

with the:	Journal Page
FIN RPT CS(FIN) 7DP	1813
FN1: ZERO(REV)	1814

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. 297(FIN)
(same title)

There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that CSHB 297(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 297(FIN) was read the third time.

The question being: "Shall CSHB 297(FIN) pass the House?" The roll was taken with the following result:

CSHB 297(FIN)
Third Reading
Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 3 ABSENT: 2

Yeas: Austerman, Chenault, Costello, Edgmon, Feige, Gara, Gattis, Gruenberg, Guttenberg, Herron, 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

Excused: Drummond, Higgins, LeDoux

Absent: Foster, Hawker

And so, CSHB 297(FIN) 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 297(FIN) was referred to the Chief Clerk for engrossment.

HOUSE BILLS IN SECOND READING

HB 212

The following, which was held in second reading from the March 14, 2014, calendar (page 1914), was before the House:

HOUSE BILL NO. 212

"An Act relating to an exemption from driver licensing requirements for spouses of members of the armed forces of the United States."

Amendment No. 1 (page 1913) by Representatives Gruenberg, Josephson, Guttenberg, and Gara was moved and pending.

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

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HB 212
Second Reading
Amendment No. 1

YEAS: 14 NAYS: 22 EXCUSED: 3 ABSENT: 1

Yeas: Edgmon, Gara, Gruenberg, Guttenberg, Hawker, Holmes, Josephson, Kawasaki, Kito III, Kreiss-Tomkins, Munoz, Nageak, Tarr, Tuck

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

Excused: Drummond, Higgins, LeDoux

Absent: Foster

And so, Amendment No. 1 was not adopted.

Representative Pruitt moved and asked unanimous consent that HB 212 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 212 was read the third time.

The question being: "Shall HB 212 pass the House?" The roll was taken with the following result:

HB 212
Third Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

Yeas: Austerman, Chenault, Costello, Edgmon, Feige, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, 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

Excused: Drummond, Higgins, LeDoux

Absent: Foster

And so, HB 212 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 – October 2014, Alaska Energy Awareness Month
By Representatives Isaacson, Millett, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Higgins, Holmes, Hughes, Johnson, Josephson, Kawasaki, Keller, Kito III, Kreiss-Tomkins, LeDoux, Lynn, Munoz, Nageak, Neuman, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson

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

Honoring – Courtney Stroh, Region 10 President's Environmental Youth Award
By Representatives Olson, 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, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson; Senator Micciche

Honoring – Sitka High School, Drama, Debate and Forensics Team
By Representatives Kreiss-Tomkins, Chenault, Costello, Drummond, Edgmon, Feige, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Higgins, Holmes, Hughes, Isaacson, Johnson, Josephson, Kawasaki, Keller, Kito III, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Pruitt, Reinbold, Saddler, Seaton, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson

In Memoriam – George Becker Erickson Jr.

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

UNFINISHED BUSINESS

HB 137

Representative Millett moved and asked unanimous consent to withdraw the following:

HOUSE BILL NO. 137

"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."

There being no objection, HB 137 was withdrawn.

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 Feige – from 6:00 p.m., March 28 to 10:00 p.m., March 30

Representative Saddler – from 6:30 p.m., March 28 to 8:00 a.m., March 31

SENSE OF THE HOUSE

The following Sense of the House was offered by Representatives Isaacson, Lynn, and Hughes:

"It is the Sense of the House that Alaska possesses a unique way of life to be celebrated and honored, especially by those high level officials who wield tremendous influence over decisions affecting Alaska. We condemn the language used by EPA Administrator Gina McCarthy after her recent visit to Alaska and express serious concern that her comments indicate a negative bias against Alaskans and a lack of sensitivity to our way of life that will gravely distort EPA environmental and development decisions in Alaska. We hope that her comments and actions do not reflect the attitude and actions of all federal agency heads."

Representative Isaacson moved that the Sense of the House be adopted.

The question being: "Shall the Sense of the House be adopted?" The roll was taken with the following result:

Sense of the House

Adopt

YEAS: 36 NAYS: 0 EXCUSED: 3 ABSENT: 1

Yeas: Austerman, Chenault, Costello, Edgmon, Feige, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, 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

Excused: Drummond, Higgins, LeDoux

Absent: Foster

And so, the Sense of the House was adopted.

SPECIAL ORDER OF BUSINESS

Representative Pruitt moved and asked unanimous consent that the notice and publication requirements be waived and the citation,

Honoring – Alaska First Responders, be taken up as a Special Order of Business. There being no objection, it was so ordered.

Representative Pruitt moved and asked unanimous consent that the House approve the citation. There being no objection, the following citation was approved and sent to enrolling:

Honoring – Alaska First Responders

By Senator McGuire; Representatives Chenault, 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, Stoltze, Tarr, Thompson, Tuck, P. Wilson, T. Wilson

UNFINISHED BUSINESS

HCR 19

Representative Hughes added her name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 19

Supporting Recover Alaska in its efforts to reduce the effects of excessive alcohol consumption.

HB 233

Representative Millett added her name as cosponsor to:

HOUSE BILL NO. 233

"An Act relating to sexual abuse and sexual assault awareness and prevention efforts in public schools."

HB 297

Representatives Millett and Johnson added their names as cosponsors to:

CS FOR HOUSE BILL NO. 297(FIN)

"An Act recognizing the Alaska Housing Finance Corporation as the authorizing agency to approve home energy rating systems for the state; and providing for an effective date."

HB 346

Representative Kreiss-Tomkins added his name as cosponsor to:

HOUSE BILL NO. 346

"An Act relating to corporations, including public benefit corporations; and providing for an effective date."

HB 360

Representative Munoz added her name as cosponsor to:

HOUSE BILL NO. 360

"An Act prohibiting smoking in certain locations; and providing for an effective date."

SB 159

Representative Kreiss-Tomkins added his name as cross sponsor to:

SENATE BILL NO. 159

"An Act relating to air ambulance service providers, air ambulance membership agreements, and regulation of air ambulance service providers and air ambulance membership agreements by the division of insurance; and providing for an effective date."

SB 200

Representative Lynn added his name as cross sponsor to:

SENATE BILL NO. 200

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

ENGROSSMENT**HB 212**

HB 212 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 297

CSHB 297(FIN) 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 meeting today was changed:

Judiciary Committee
CHANGED TO:

1:15 p.m.

ADJOURNMENT

Representative Pruitt moved and asked unanimous consent that the House adjourn until 10:30 a.m., March 18, 2014. There being no objection, the House adjourned at 12:38 p.m.

Suzi Lowell
Chief Clerk