

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-NINTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

February 23, 2015

Thirty-fifth Day

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

Roll call showed 38 members present. Representatives Hawker and Reinbold had been excused from a call of the House today.

The invocation was offered by the Chaplain, the Reverend Dr. Douglas Dye of Chapel by the Lake Presbyterian Church. Representative Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Gracious and loving God, thank you for the gift of this new day.

In the Hebrew Scriptures, the Psalmist writes, "O Lord, how manifold are your works. In wisdom have you made them all; the earth is full of your creatures." (Psalm 104:24)

So great Creator, we pause at the beginning of this day to acknowledge your presence and thank you for filling the earth with beauty and creatures of all sorts and kinds. Help us, O God, to appreciate the unique abundance and splendor of Alaska. This is indeed a great land, and you have poured out gifts and wonders beyond measure in this place. In the midst of a full and busy schedule, pulled and drawn in many different directions, help us to remember and cherish the good creation you have blessed us with.

Loving God, we also thank you for the gift of good health. Heavenly Father, I know these men and women work very hard, they keep long hours and their duties tax them physically and mentally. So I ask that you will protect their health and enable them to find balance and wellness as they attend to their demanding duties.

Bless these legislators, dear God. Grant them the grace to listen carefully to one another. Give them wisdom to make fair and just decisions. As they find themselves on different sides of various issues, help them to show mercy and kindness, even as they debate with passion and conviction.

I thank you for the men and women of the Alaska State House of Representatives, and I pray on this day they will each know your great love for them.

I pray these things in the name of my Lord, Jesus. Amen.

The Pledge of Allegiance was led by Representative Johnson.

CERTIFICATION OF THE JOURNAL

Representative Millett moved and asked unanimous consent that the journal for the 32nd, 33rd, and 34th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Munoz introduced Hannah Nell, Guest Page, from Juneau.

MESSAGES FROM THE GOVERNOR

A letter dated February 20, 2015, was read stating the Governor withdraws the following name from legislative confirmation of appointment to the position noted, which had been referred to the House Special Committee on Fisheries and the Resources Committee (page 59):

Board of Fisheries

Dr. Roland Maw – Kasilof

Appointed: 1/19/2015

Term Expires: 6/30/2018

MESSAGES FROM THE SENATE

A message dated February 20, 2015, was read stating that pursuant to AS 24.60.130, the Senate confirmed the following public members to the Select Committee on Legislative Ethics:

Dennis "Skip" Cook

Herman G. Walker, Jr.

REPORTS OF STANDING COMMITTEES**HB 5**

The Judiciary Committee submitted the following corrected fiscal note today to accompany its report (page 265):

2. Zero, House Judiciary Committee/Dept. of Health & Social Services

for

HOUSE BILL NO. 5

"An Act relating to the persons who may be appointed conservators of a protected person."

HB 5 is in the Rules Committee. The fiscal note will be reprinted today.

HB 81

The Labor & Commerce Committee considered:

HOUSE BILL NO. 81

"An Act relating to an exemption from the regulation of construction contractors."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 81(L&C)
(same title)

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

Do pass (6): LeDoux, Tilton, Hughes, Kito, Josephson, Olson

Do not pass (1): Colver

The following fiscal note(s) apply to CSHB 81(L&C):

1. Zero, Dept. of Labor & Workforce Development
2. Fiscal, Dept. of Commerce, Community, & Economic Development

HB 81 was referred to the Rules Committee for placement on the calendar.

HB 86

The Labor & Commerce Committee considered:

HOUSE BILL NO. 86

"An Act relating to investment of the power cost equalization endowment fund; and providing for an effective date."

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

Do pass (2): Josephson, Olson

No recommendation (4): Tilton, Hughes, Kito, Colver

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 86 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

In Memoriam - John Karl Hoegberg
By Representative Wool

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

In Memoriam - Patsy Miller
By Representative Reinbold; Senator MacKinnon

In Memoriam - Judith Florence Woods
By Senator Bishop

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 7**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 7 by
Representatives JOSEPHSON, Kito, and Gruenberg, entitled:

"An Act relating to murder in the second degree and manslaughter."

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

HB 121

HOUSE BILL NO. 121 by Representative TUCK, entitled:

"An Act relating to a code of military justice; relating to military offenses and penalties for military offenses; relating to the jurisdiction of the court of appeals; relating to appeals of convictions and sentences of courts-martial; relating to the procedures for persons subject to court-martial proceedings;

relating to involuntary commitment for evaluation or treatment of a mental disease or defect before court-martial proceedings; and providing for an effective date."

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

HB 122

HOUSE BILL NO. 122 by Representative COLVER, entitled:

"An Act relating to the required reports, required fees, and other aspects of for-profit corporations, cooperative corporations, nonprofit corporations, corporations formed under AS 10.40, limited liability companies, and limited liability partnerships; and providing for an effective date."

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

HB 123

HOUSE BILL NO. 123 by the House Rules Committee by request of the Governor, entitled:

"An Act establishing the Marijuana Control Board; relating to the powers and duties of the Marijuana Control Board; relating to the appointment, removal, and duties of the director of the Marijuana Control Board; relating to the Alcoholic Beverage Control Board; and providing for an effective date."

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

The following fiscal note(s) apply:

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

The Governor's transmittal letter dated February 20, 2015, follows:

"Dear Speaker Chenault:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill establishing the Marijuana Control Board and relating to the Alcoholic Beverage Control Board.

The bill would protect public safety and promote effective regulation of the marijuana industry consistent with the people's intent as expressed in AS 17.38 by creating the Marijuana Control Board that includes representatives from the public health and safety sectors, the marijuana industry, and the general public. The board's members would be appointed by the Governor to serve staggered terms of three years; the board would have authority to regulate marijuana cultivation, transportation, production, and sale, as set out in AS 17.38.090. Importantly, the bill would give the Marijuana Control Board the power to enforce its regulations, including the ability to use peace officer powers to enforce the criminally punishable laws and regulations relating to marijuana. And, by providing for a shared administrative and enforcement staff with the Alcoholic Beverage Control Board, the bill would enable the Marijuana Control Board to benefit from the considerable experience and expertise of the Alcoholic Beverage Control Board while realizing significant economies.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker

Governor"

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 70

The following was read the second time:

HOUSE BILL NO. 70

"An Act adding land and water to the Creamer's Field Migratory Waterfowl Refuge."

with the:	Journal Page
RES RPT CS(RES) 8DP	208
FN1: ZERO(DFG)	208

Representative Millett moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 70(RES)
(same title)

There being no objection, it was so ordered.

Representative Millett moved and asked unanimous consent that CSHB 70(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 70(RES) was read the third time.

The question being: "Shall CSHB 70(RES) pass the House?" The roll was taken with the following result:

CSHB 70(RES)
Third Reading
Final Passage

YEAS: 37 NAYS: 1 EXCUSED: 2 ABSENT: 0

Yeas: Chenault, Claman, Colver, Drummond, Edgmon, Foster, Gara, Gattis, Gruenberg, Guttenberg, Herron, Hughes, Johnson, Josephson, Kawasaki, Keller, Kito, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Ortiz, Pruitt, Saddler, Seaton, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vazquez, Wool

Nays: Wilson

Excused: Hawker, Reinbold

And so, CSHB 70(RES) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS**HCR 2**

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 2

Designating January 25 - 31, 2015, as Alaska School Choice Week.

with the: Journal Page

EDC RPT CS(EDC) NT 4DP	169
FN1: ZERO(H.EDC)	170

Representative Millett moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original resolution:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 2(EDC)
Designating January 24 - 30, 2016, as Alaska School Choice Week.

There being no objection, it was so ordered.

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

Amendment No. 1 was offered by Representative Josephson:

Page 2, following line 5:

Insert

"WHEREAS this resolution shall not constitute an endorsement of vouchers or education savings accounts nor a disparagement of teachers' unions;"

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

Representative Gattis objected.

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

CSHCR 2(EDC)
Second Reading
Amendment No. 1

YEAS: 14 NAYS: 23 EXCUSED: 3 ABSENT: 0

Yeas: Claman, Drummond, Gara, Gruenberg, Guttenberg, Josephson, Kawasaki, Kito, Kreiss-Tomkins, Munoz, Ortiz, Tarr, Tuck, Wool

Nays: Chenault, Colver, Edgmon, Foster, Gattis, Herron, Hughes, Johnson, Keller, LeDoux, Lynn, Millett, Neuman, Olson, Pruitt, Saddler, Seaton, Stutes, Talerico, Thompson, Tilton, Vazquez, Wilson

Excused: Hawker, Nageak, Reinbold

And so, Amendment No. 1 was not adopted.

**Representative LeDoux, who was excused (page 240), left the Chamber.

Amendment No. 2 was offered by Representative Tarr:

Page 1, line 1 (title amendment):
Delete "**January 24 - 30, 2016**"
Insert "**September 7 - 11, 2015**"

Page 2, lines 6 - 7:
Delete "January 24 - 30, 2016"
Insert "September 7 - 11, 2015"

Representative Tarr moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Gattis objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHCR 2(EDC)
Second Reading
Amendment No. 2

YEAS: 14 NAYS: 21 EXCUSED: 4 ABSENT: 1

Yeas: Claman, Drummond, Edgmon, Gara, Gruenberg, Guttenberg, Josephson, Kawasaki, Kito, Kreiss-Tomkins, Ortiz, Tarr, Tuck, Wool

Nays: Chenault, Colver, Foster, Gattis, Herron, Hughes, Johnson, Keller, Lynn, Millett, Neuman, Olson, Pruitt, Saddler, Seaton, Stutes, Talerico, Thompson, Tilton, Vazquez, Wilson

Excused: Hawker, LeDoux, Nageak, Reinbold

Absent: Munoz

And so, Amendment No. 2 was not adopted.

Representative Tuck placed a call of the House and lifted the call.

The question being: "Shall CSHCR 2(EDC) pass the House?" The roll was taken with the following result:

CSHCR 2(EDC)
Second Reading
Final Passage

YEAS: 21 NAYS: 14 EXCUSED: 4 ABSENT: 1

Yeas: Chenault, Colver, Edgmon, Foster, Gattis, Herron, Hughes, Johnson, Keller, Lynn, Millett, Neuman, Olson, Pruitt, Saddler, Seaton, Talerico, Thompson, Tilton, Vazquez, Wilson

Nays: Claman, Drummond, Gara, Gruenberg, Guttenberg, Josephson, Kawasaki, Kito, Kreiss-Tomkins, Ortiz, Stutes, Tarr, Tuck, Wool

Excused: Hawker, LeDoux, Nageak, Reinbold

Absent: Munoz

And so, CSHCR 2(EDC) passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Millett 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 - Service High School Flag Football, 2014 All-CIC Team
By Representatives Millett, Chenault, Claman, Colver, Drummond, Edgmon, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Hughes, Johnson, Josephson, Kawasaki, Keller, Kito, Kreiss-Tomkins, LeDoux, Lynn, Munoz, Nageak, Neuman, Olson, Ortiz, Pruitt, Saddler, Seaton, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vazquez, Wilson, Wool; Senator Meyer

In Memoriam - Louis "Frank" DeLong
By Senator Coghill; Representatives Chenault, Claman, Colver, Drummond, Edgmon, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Hughes, Johnson, Josephson, Kawasaki, Keller, Kito, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Ortiz, Pruitt, Saddler, Seaton, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vazquez, Wilson, Wool

In Memoriam - Lt. Colonel Norman Dudley Comfort
By Senator Coghill; Representatives Chenault, Claman, Colver, Drummond, Edgmon, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Hughes, Johnson, Josephson, Kawasaki, Keller, Kito, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Ortiz, Pruitt, Saddler, Seaton, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vazquez, Wilson, Wool

In Memoriam - Carl Heflinger
By Senator Coghill; Representatives Chenault, Claman, Colver, Drummond, Edgmon, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Hughes, Johnson, Josephson, Kawasaki, Keller, Kito, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Ortiz, Pruitt, Saddler, Seaton, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vazquez, Wilson, Wool

UNFINISHED BUSINESS

Representative Millett 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 Keller – from 10:30 a.m. to 4:30 p.m., February 24

Representative Herron – from 1:00 p.m., March 3 to 10:00 p.m., March 8

Representative Colver – from 12:30 p.m., March 4 to 9:30 p.m., March 8

Representative Gattis – from 6:00 p.m., March 6 to 2:00 p.m., March 8

Representative Hughes – from 6:30 p.m., March 13 to 8:00 p.m., March 15

Representative Munoz – from noon, March 13 to 9:40 p.m., March 15

Representative Claman – from 5:00 p.m., March 13 to noon, March 16

HB 81

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 81

"An Act relating to an exemption from the regulation of construction contractors."

HB 81 was removed from the Rules Committee and referred to the Finance Committee.

SPECIAL ORDER OF BUSINESS

Representative Millett moved and asked unanimous consent that the notice and publication requirements be waived and the citation, In Memoriam - John Karl Hoegberg, be taken up as a Special Order of Business. There being no objection, it was so ordered.

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

In Memoriam - John Karl Hoegberg

By Representatives Wool, Chenault, Claman, Colver, Drummond, Edgmon, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, Herron, Hughes, Johnson, Josephson, Kawasaki, Keller, Kito, Kreiss-Tomkins, LeDoux, Lynn, Millett, Munoz, Nageak, Neuman, Olson, Ortiz, Pruitt, Saddler, Seaton, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vazquez, Wilson

UNFINISHED BUSINESS

HCR 2

Representatives Johnson, Neuman, and Tilton added their names as cosponsors to:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 2(EDC)
Designating January 24 - 30, 2016, as Alaska School Choice Week.

HCR 4

Representative Stutes added her name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 4
Relating to the duties of delegates selected by the legislature to attend a convention of the states called under art. V, Constitution of the United States, to consider a countermand amendment to the Constitution of the United States; establishing as a joint committee of the legislature the Delegate Credential Committee and relating to the duties of the committee; providing for an oath for delegates and alternates to a countermand amendment convention; providing for a chair and assistant chair of the state's countermand amendment delegation; providing for the duties of the chair and assistant chair; providing instructions for the selection of a convention president; and providing specific language for the countermand amendment on which the state's convention delegates are authorized by the legislature to vote to approve.

HJR 14

Representatives LeDoux and Stutes added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 14

Making application to the United States Congress to call a convention of the states to propose a countermand amendment to the Constitution of the United States as provided under art. V, Constitution of the United States; and urging the legislatures of the other 49 states to make the same application.

HB 70

Representative Gara added his name as cosponsor to:

CS FOR HOUSE BILL NO. 70(RES)

"An Act adding land and water to the Creamer's Field Migratory Waterfowl Refuge."

HB 107

Representative Munoz added her name as cosponsor to:

HOUSE BILL NO. 107

"An Act relating to the composition of the Board of Regents of the University of Alaska."

HB 115

Representative Talerico added his name as cosponsor to:

HOUSE BILL NO. 115

"An Act relating to the transfer of public land from the federal government to the state and to the disposal of that land; and providing for an effective date."

ENGROSSMENT**HCR 2**

CSHCR 2(EDC) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 70

CSHB 70(RES) 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:

Judiciary Committee

CHANGED TO:

1:30 p.m.

Labor & Commerce Committee

CANCELED

Resources Committee

CHANGED TO:

1:30 p.m.

ADJOURNMENT

Representative Millett moved and asked unanimous consent that the House adjourn until 10:30 a.m., February 25, 2015. There being no objection, the House adjourned at 1:05 p.m.

Suzi Lowell
Chief Clerk