

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-NINTH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Friday

January 29, 2016

Eleventh Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:35 a.m.

Roll call showed 36 members present. Representatives Keller, Millett, and Reinbold had been excused from a call of the House today.

Representative Herron, Acting Majority Leader, moved and asked unanimous consent that Representative Johnson be excused from a call of the House today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, the Reverend Caroline Malseed of St. Brendan's Episcopal Church. Representative Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

O God, the fountain of all wisdom, your will is good and gracious, and your law is truth.

We beseech you so to guide and bless our representatives assembled in the state of Alaska on this day, that they may enact such laws as shall please you, to the glory of your name and the welfare of this people.

We ask this by the many names by which we know you: Almighty Father, Creator Spirit, the Holy One. Amen.

The Pledge of Allegiance was led by Representative Gara.

CERTIFICATION OF THE JOURNAL

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

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Representative Hughes introduced Nathan Pougher, Guest Page, from Palmer, Alaska.

MESSAGES FROM THE SENATE**HB 11**

A message dated January 27, 2016 was read stating the Senate passed CSSSHB 11(JUD) am with the following amendment, and it is transmitted for consideration:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL
NO. 11(JUD) am(efd am S)

"An Act restricting the publication of certain records of criminal cases on a publicly available Internet website; and providing for an effective date."

CSSSHB 11(JUD) am is under Unfinished Business.

COMMUNICATIONS

The following were received:

Alaska Energy Authority
Renewable Energy Fund Status Report and
Round IX Recommendations
January 2016
(as required by AS 42.45.045)

Dept. of Environmental Conservation
Division of Water
Alaska Drinking Water and Clean Water Loan Funds
Annual Report Fiscal Year 2015
January 27, 2016
(as required by AS 37.05.035)

INTRODUCTION OF CITATIONS

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

Honoring - Barbara Nore
By Representative Wilson

Honoring - Patrick M. Coullahan
By Senators Meyer, Wielechowski

In Memoriam - William Jonathan Lyon
By Senator Gardner

In Memoriam - Charles "Bud" Cassidy
By Senator Stevens; Representative Stutes

In Memoriam - Patricia Ellen Simeonoff
By Senator Stevens; Representative Stutes

In Memoriam - Thorvold L. Olsen
By Senator Stevens; Representatives Stutes, LeDoux

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HCR 17**

HOUSE CONCURRENT RESOLUTION NO. 17 by Representative Hughes:

Supporting the aviation industry; and urging the governor to make state-owned land available to the unmanned aircraft systems industry for the management and operation of unmanned aircraft systems and related research, manufacturing, testing, and training.

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

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 280**

HOUSE BILL NO. 280 by Representatives Kito, Munoz, and Lynn, entitled:

"An Act relating to new defined benefit tiers in the public employees' retirement system and the teachers' retirement system; providing certain employees an opportunity to choose between the defined benefit and defined contribution plans of the public employees' retirement system and the teachers' retirement system; and providing for an effective date."

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

HB 281

HOUSE BILL NO. 281 by Representative Munoz, entitled:

"An Act relating to real estate broker licensure; relating to the real estate commission; and providing for an effective date."

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

HB 282

HOUSE BILL NO. 282 by Representatives Chenault, Herron, and Olson, entitled:

"An Act relating to the board of directors of the Alaska Gasline Development Corporation; adding legislators as nonvoting members of the board of directors of the Alaska Gasline Development Corporation; and providing for an effective date."

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

HB 283

HOUSE BILL NO. 283 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the nomination and designation of state water as outstanding national resource water; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Environmental Conservation

The Governor's transmittal letter dated January 28, 2016, follows:

"Dear Speaker Chenault:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill relating to the nomination of state water as "outstanding national resource water," also known as "Tier 3" water. Once a water body is designated as a Tier 3 water, the only additional pollutants from wastewater discharges that can be added to that water are temporary and limited. There is currently no Tier 3 water in Alaska.

The bill would add a new section, AS 46.03.085, authorizing the Department of Environmental Conservation (DEC) to collect nominations of state water for Tier 3 status and compile a list of nominated water for transmittal to the Legislature. The bill also would clarify that legislative action would be required to formally designate a body of water as a Tier 3 water.

The Clean Water Act requires states to implement a procedure for Tier 3 designation. DEC does have the authority to set quality and purity standards under AS 46.03.080 and has the technical expertise to analyze whether or not a water body meets the criteria for extra protection under Tier 3 status. However, currently there is no provision in the Clean Water Act for reversing a Tier 3 designation. Thus, such a designation has the potential to permanently limit development. Given the far-reaching consequences, the final authority for designation should rest with the Legislature and not with DEC.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker
Governor"

HB 284

HOUSE BILL NO. 284 by Representative Josephson, entitled:

"An Act relating to social media privacy of employees and applicants for employment; and providing for an effective date."

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

HB 285

HOUSE BILL NO. 285 by Representative Josephson, entitled:

"An Act relating to schools, school districts, correspondence programs, private schools, and the employees of those schools, districts, and programs; relating to student social media privacy; relating to postsecondary educational institutions; and providing for an effective date."

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

HB 286

HOUSE BILL NO. 286 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be

included in an order of restitution; adding a definition of 'electronic form'; amending Rule 5(a)(4), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game
2. Zero, Dept. of Public Safety

The Governor's transmittal letter dated January 28, 2016, follows:

"Dear Speaker Chenault:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; adding a definition of "electronic form;" and amending Rule 5(a)(4), Alaska Rules of Minor Offense Procedure.

The bill would allow a person to correct a citation for not having a sport fishing, hunting, or trapping license, tag, or permit on their person, by bringing a copy of the license, tag, or permit that was valid at the time of the citation to the office of the citing officer or to court. There are many reasons why a person may not have a fishing, hunting, or trapping license on their person in the field. This provision would prevent what may have been an honest mistake from turning into an unnecessary conviction.

In addition, the bill would allow a person to show actual possession of a license or permit in paper or electronic form. Electronic form would

mean the display of a license or permit on an electronic device, such as a mobile telephone, tablet, or computer. However, tags are not conducive to display in electronic format and so are excluded from this provision.

In order to better manage issuance of a fishing, hunting, or trapping license, if a person has had their fishing, hunting, or trapping privileges revoked or suspended in this or any other state, this bill would prohibit them from obtaining a fishing, hunting, or trapping license in Alaska. A person should not be able to avoid sanctions merely by obtaining another license.

The bill also gives greater discretion to prosecutors and law enforcement by allowing almost all fish and game offenses to be charged as violations rather than criminal offenses. Currently, if a person violates certain fish and game laws, they can only be charged with a criminal offense. A criminal conviction is not always appropriate, nor is it necessarily the best outcome for the State or the offender. By creating the option of a violation where the offender acts without any culpable mental state, prosecutors and law enforcement can more appropriately enforce the State's fish and game laws while maximizing public use and enjoyment.

One of the ways Alaska manages its fish and game resources is through the sale of hunting and fishing licenses. The sale of licenses helps track the harvest of resources and sustains important conservation and management programs. Under the Pittman - Robertson, Dingell - Johnson programs, the State receives significant federal funding for fish and game management activities that is matched at a 3:1 ratio using license revenue. When a person fails to obtain a license, the State loses an important funding source used to manage fish and game resources. The bill would allow the State to collect restitution when a person fails to obtain a lawful hunting or fishing license, including lost federal funds.

The bill also increases the strict liability fine limits on commercial fishing violations as well as restitution amounts for unlawfully taking an animal. The increased fines and restitution amounts are necessary to ensure that more people can use and enjoy the resource by deterring illegal fishing and hunting that harms other users.

The bill would directly amend Rule 5(a)(4), Alaska Rules of Minor Offense Procedure to allow a person charged with engaging in hunting or sport fishing without a license to present proof of compliance to the appropriate court or municipality in order for the citation to be dismissed.

Protecting the proper use of Alaska's resources is one of our most important responsibilities.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker

Governor"

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE RESOLUTIONS

HJR 20

The following was read the second time:

HOUSE JOINT RESOLUTION NO. 20

Urging the United States Congress to enact legislation to clarify and recognize each individual state's authority to manage the fish and wildlife within its borders.

with the:

Journal Page

RES RPT CS(RES) 2DP 1DNP 3NR 1AM

872

FN1: ZERO(LEG)

873

The Rules Committee submitted the following updated fiscal note:

2. Zero, Legislative Agency

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

CS FOR HOUSE JOINT RESOLUTION NO. 20(RES)
(same title)

There being no objection, it was so ordered.

Representative Herron moved and asked unanimous consent that CSHJR 20(RES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHJR 20(RES) was read the third time.

The Speaker stated that, without objection, CSHJR 20(RES) would be held in third reading to the February 3, 2016, calendar.

LEGISLATIVE CITATIONS

Representative Herron 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 - Dr. Lawson W. Brigham, 2015 Recipient, Honorary Member Polar Medal

By Representatives Herron, Chenault, Claman, Colver, Drummond, Edgmon, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, 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

Honoring - The Friends of Nike Site Summit

By Representatives Reinbold, 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

Honoring - 2016 Top Ten Kuskokwim 300 Finishers

By Senator Hoffman; Representatives Herron, Chenault, Claman, Colver, Drummond, Edgmon, Foster, Gara, Gattis, Gruenberg, Guttenberg, Hawker, 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

Honoring - The Alaska Trappers Association

By Senator Bishop; 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 - Sidney Huntington

By Senator Bishop; 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 Herron 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 Foster – from 12:30 p.m., January 29 to 1:00 a.m., February 1

Representative Claman – from 5:00 p.m., January 29 to noon, February 1

Representative Wool – from 12:30 p.m., January 29 to 10:00 a.m., February 1

Representative Ortiz – from 5:30 p.m., January 29 to 7:30 a.m., February 1

HB 27

Representative Drummond added as a cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 27

"An Act relating to the duties of the Department of Health and Social Services; relating to hearings on and plans for permanent placement of a child in need of aid; relating to school placement and transportation for children in foster care; relating to foster care transition programs; relating to emergency and temporary placement of a child in need of aid; relating to the confidentiality of information regarding child protection; and amending Rule 17.2, Alaska Child in Need of Aid Rules of Procedure."

HB 226

Representatives Stutes and Vazquez added as cosponsors to:

HOUSE BILL NO. 226

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

HB 237

Representative Stutes added as a cosponsor to:

HOUSE BILL NO. 237

"An Act relating to an interstate compact on medical licensure; amending the duties of the State Medical Board; and relating to the Department of Public Safety's authority to conduct national criminal history record checks of physicians."

HB 240

Representative Kito added as a cosponsor to:

HOUSE BILL NO. 240

"An Act relating to the reinstatement of Native corporations; and providing for an effective date."

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Herron moved and asked unanimous consent that the House adjourn until 11:00 a.m., February 1, 2016. There being no objection, the House adjourned at 11:06 a.m.

Crystaline Jones
Chief Clerk