

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTIETH LEGISLATURE
FIRST SESSION

Juneau, Alaska

Monday

March 6, 2017

Forty-ninth Day

Pursuant to adjournment the House was called to order by Speaker Edgmon at 11:02 a.m.

Roll call showed 40 members present.

The invocation was offered by the Chaplain, the Reverend Melissa Engel of Douglas Community United Methodist Church. Representative 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.

Holy One,

I come to you this morning seeking quiet in the midst of my busy day filled with people, with situations, and things I can't control. I come to you seeking peace, O God, and to offer some quiet space for our state's legislators today to sit, to center themselves, for the hard work they have to do.

So, let's take that time now to sit in some silence.

I pray that we continue to find moments throughout the day to ground and center ourselves in All That Is; that we bring ourselves with authenticity to our relationships in our

families, in our communities that we represent, and in the world. I ask for special blessing of love and protection on our legislators today and on all those they represent.

In the Spirit of Love I pray. Amen.

The Pledge of Allegiance was led by Representative LeDoux.

CERTIFICATION OF THE JOURNAL

Representative Tuck moved and asked unanimous consent that the journal for the 44th through 48th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated March 1 was read stating the Senate passed the following, and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 9

CS FOR SENATE BILL NO. 9(FIN) by the Senate Finance Committee, entitled:

"An Act relating to military facility zones; and providing for an effective date."

was read the first time and referred to the Community & Regional Affairs Committee.

REPORTS OF STANDING COMMITTEES

HB 91

The State Affairs Committee considered:

HOUSE BILL NO. 91

"An Act relating to fees for certain persons filing disclosure statements or other reports with the Alaska Public Offices

Commission; relating to a tax on legislative lobbyists; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 91(STA)

"An Act relating to fees for certain persons filing disclosure statements or other reports with the Alaska Public Offices Commission; relating to the registration fees for legislative lobbyists; and providing for an effective date."

The report was signed by Representative Kreiss-Tomkins, Chair, with the following individual recommendations:

Do pass (4): Johnson, Wool, Tuck, Kreiss-Tomkins

No recommendation (2): LeDoux, Birch

The following fiscal note(s) apply to CSHB 91(STA):

1. Fiscal, Dept. of Administration
2. Fiscal, Dept. of Revenue

HB 91 was referred to the Finance Committee.

HB 97

The State Affairs Committee considered:

HOUSE BILL NO. 97

"An Act repealing the insurance tax credit for gifts to the Alaska fire standards council; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 97(STA)
(same title)

The report was signed by Representative Kreiss-Tomkins, Chair, with the following individual recommendations:

Do pass (5): Johnson, Wool, Birch, Tuck, Kreiss-Tomkins

The following fiscal note(s) apply to CSHB 97(STA):

1. Zero, Dept. of Public Safety

HB 97 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

The following citations were introduced and taken up later as a Special Order of Business:

Honoring - Billy Honea
By Representative Foster; Senator Olson

Honoring - Fran Ulmer, 2017 Shining Lights Award Recipient
By Representatives Tarr, Josephson

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

Honoring - Brenda Riley
By Representatives Guttenberg, Kawasaki, Wool

Honoring - Demry Mebane
By Representative LeDoux; Senator Wielechowski

Honoring - Charles Anthony Skinner
By Representative Stutes; Senator Stevens

Honoring - Monroe High School Rams Hockey Team, 2017 Greatland
3A Champions
By Representatives Thompson, Kawasaki

Honoring - Adam Skelton
By Senator Giessel; Representative Johnston

Honoring - Jubilee Mine
By Senator Giessel

In Memoriam - Warren B. Cummings
By Representatives Kawasaki, Thompson

In Memoriam - Michael Anthony Rogan
By Representative Guttenberg

In Memoriam - Cynthia Marie Pilot
By Representative Foster; Senator Olson

In Memoriam - Mark Lawrence "Big Foot" Rosser
By Representatives Wool, Guttenberg

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 14

HOUSE JOINT RESOLUTION NO. 14 by Representatives Edgmon, Fansler, and Tuck:

Urging the Federal Communications Commission to increase the Rural Health Care Program budget sufficiently to adjust for inflation, advances in technology and the services available with increased broadband, and the increase in demand for broadband-based services and provide for any unused funds to be carried forward to future funding years, ensuring that rural communities in the state continue to have access to affordable broadband telehealth services.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 152

HOUSE BILL NO. 152 by the House Special Committee on Military & Veterans' Affairs, entitled:

"An Act relating to the organized militia; and relating to the authority of the adjutant general."

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

HB 153

HOUSE BILL NO. 153 by Representative Eastman, entitled:

"An Act repealing the certificate of need program for health care facilities; making conforming amendments; and providing for an effective date."

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

HB 154

HOUSE BILL NO. 154 by Representative Fansler, entitled:

"An Act establishing state fish and game reserves; creating the Holitna River Basin Hunting, Fishing, and Trapping Reserve; and providing for an effective date."

was read the first time and referred to the House Special Committee on Fisheries and the Resources Committee.

HB 155

HOUSE BILL NO. 155 by Representative Ortiz, entitled:

"An Act authorizing a land exchange in which certain Alaska mental health trust land is exchanged for certain national forest land and relating to the costs of the exchange; and providing for an effective date."

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

HB 156

HOUSE BILL NO. 156 by Representatives Tilton and Grenn, entitled:

"An Act relating to a municipal tax exemption or deferral for economic development property."

was read the first time and referred to the Community & Regional Affairs Committee.

HB 157

HOUSE BILL NO. 157 by the House Labor and Commerce Committee by request, entitled:

"An Act relating to the Alaska Life and Health Insurance Guaranty Association; and providing for an effective date."

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

HB 158

HOUSE BILL NO. 158 by Representative Eastman, entitled:

"An Act relating to the location of offices for the Alaska Public Offices Commission and the locations at which certain statements and reports filed with the commission are made available."

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

HB 159

HOUSE BILL NO. 159 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the prescription of opioids; establishing the Voluntary Nonopioid Directive Act; relating to the controlled substance prescription database; relating to the practice of dentistry; relating to the practice of medicine; relating to the practice of podiatry; relating to the practice of osteopathy; relating to the practice of nursing; relating to the practice of optometry; relating to the practice of veterinary medicine; related to the duties of the Board of Pharmacy; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Corrections
2. Zero, Dept. of Health & Social Services
3. Fiscal, Dept. of Commerce, Community, & Economic Development

The Governor's transmittal letter dated March 3 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to monitoring of prescriptions for opioids and relating to the controlled substance prescription database.

Alaska is in the grip of an opioid epidemic. All Alaskans, regardless of race, age, religion, or lifestyle are affected. Families are torn apart, persons suffering with addiction are frustrated and unable to reach their potential, crime has increased, and most significantly, lives are lost to this tragic epidemic. Too often the path to opioid addiction is through prescription medication. As a society, we must take steps to reduce unnecessary exposure to these addictive drugs. Fortunately, we have the tools to do that. By increasing awareness, education, and monitoring, we can take meaningful steps to address the tragedy of addiction.

First, the bill provides an option for patients to execute a Voluntary Nonopioid Directive that would allow a person for any reason to make clear the person's desire not to be administered an opioid. This confidential information would be provided to the person's health care provider or hospital. A person would be able to revoke a voluntary nonopioid directive at any time, orally or in writing, and the bill would provide for exceptions in the case of emergency treatment.

Second, the bill would require health care licensing boards for dentists, nurses, physicians, osteopaths, podiatrists, and optometrists to adopt regulations for licensure, renewal, and certification by regulation to require a licensee or potential licensee to demonstrate continuing education in pain management and opioid use and addiction.

Further, the bill would implement provisions to limit an initial prescription for an opioid to not more than a seven-day supply to an adult patient for outpatient use. For a prescription to a minor, a practitioner would be required to discuss with the parent or guardian why the prescription is needed and the risks associated with opioid abuse. These provisions would apply to licensed dentists (AS 08.36.355), physicians (AS 08.64.363), and advanced practice registered nurses (AS 08.72.170).

For veterinarians, the bill would require registration with the controlled substance prescription database and would require the Board of Veterinary Examiners to identify resources and develop educational materials to help licensees identify animal owners who may be at risk for abusing an opioid prescribed for a pet.

For pharmacists, the bill would require registration with the controlled substance prescription database regardless of whether the pharmacist has a federal drug enforcement administration registration number. Further, the bill would establish a statute to allow a person to request a pharmacist to dispense less than the prescribed amount of a schedule II or III controlled substance. Any remaining quantity in excess of the quantity requested by the person would be void. A pharmacist would be required to notify the prescribing practitioner of the dispensed amount. In addition, the pharmacist would need to submit information on the amount dispensed to the controlled substance prescription database.

Other sections of the bill would amend AS 17.30, the controlled substance prescription database. First, the bill would require that the database be updated daily rather than the current weekly update requirements. This would provide even more accurate information for health care practitioners when they review the database. Next, the bill would amend AS 17.30.200(e) to allow as a basis for a board disciplinary action the failure of a pharmacist-in-charge, pharmacist, or practitioner to *review* the database as required under AS 17.30.200. In addition, with veterinarians registering with the database, the Board of Veterinary Examiners would be notified when a practitioner registers with the database. Another important tool is to authorize the Board of Pharmacy to make an unsolicited confidential notification to a practitioner's licensing board in addition to the practitioner should

the practitioner's subscribing practices be outside the generally recognized standards of practice. Last, the bill would authorize the Board of Pharmacy to send practitioners information on how their prescribing practices compare to other practitioners in the same specialty. These nonpunitive "report cards" will provide valuable confidential information to practitioners about how their prescribing practices compare with others.

Addressing the opioid epidemic will require a team effort among health care practitioners, patients, and caregivers across our state. We must improve communication among health care professionals, ensure that they have the training to recognize circumstances that may contribute to the risk of addiction, and address patient needs compassionately and safely. This bill is an important first step in providing patients and professionals with tools to treat patients and manage this devastating epidemic.

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 24

The following was read the second time:

HOUSE BILL NO. 24

"An Act classifying U-47700 as a schedule IA controlled substance; and providing for an effective date."

with the:

Journal Page

JUD RPT 5DP 2NR

174

FN1: ZERO(COR)

175

FN2: ZERO(DHS)

175

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FN3: ZERO(LAW)	175
FN4: ZERO(DPS)	175
FN5: ZERO(DPS)	175
FIN RPT CS(FIN) 9DP 1AM	330
FN1: ZERO(COR)	331
FN2: ZERO(DHS)	331
FN3: ZERO(LAW)	331
FN4: ZERO(DPS)	331
FN5: ZERO(DPS)	331

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

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

There being no objection, it was so ordered.

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

CSHB 24(FIN) was read the third time.

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

CSHB 24(FIN)
Third Reading
Final Passage

YEAS: 39 NAYS: 1 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

Nays: Eastman

And so, CSHB 24(FIN) passed the House.

Representative Tuck 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 24(FIN) was referred to the Chief Clerk for engrossment.

HB 48

The following was read the second time:

HOUSE BILL NO. 48

"An Act relating to the composition of the State Board of Registration for Architects, Engineers, and Land Surveyors; extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

with the:	Journal Page
L&C RPT 6DP	240
FN1: (CED)	241
FIN RPT 9DP	331
FN1: (CED)	332

Representative Tuck moved and asked unanimous consent that HB 48 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 48 was read the third time.

The question being: "Shall HB 48 pass the House?" The roll was taken with the following result:

HB 48
Third Reading
Final Passage

YEAS: 40 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Claman, Drummond, Eastman, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux,

Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

And so, HB 48 passed the House.

Representative Tuck 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.

HB 48 was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 8

The following, which was advanced to third reading from the March 1 calendar (page 372), was read the third time:

HOUSE BILL NO. 8

"An Act relating to protective orders."

Representative Wilson moved and asked unanimous consent that HB 8 be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Wilson and Reinbold:

Page 4, following line 22:

Insert a new bill section to read:

** **Sec. 8.** AS 22.35.030 is amended to read:

Sec. 22.35.030. Publication of Records [RECORDS CONCERNING CRIMINAL CASES RESULTING IN ACQUITTAL OR DISMISSAL]. The Alaska Court System may not publish a court record [OF A CRIMINAL CASE] on a publicly available website

(1) in a criminal case if 60 days have elapsed from the date of acquittal or dismissal and

(A) [(1)] the defendant was acquitted of all charges filed in the case;

(B) [(2)] all criminal charges against the defendant in the case have been dismissed and were not dismissed as part of a plea agreement in another criminal case under Rule 11, Alaska Rules of Criminal Procedure;

(C) [(3)] the defendant was acquitted of some of the criminal charges in the case and the remaining charges were dismissed; or

(D) [(4)] all criminal charges against the defendant in the case have been dismissed after a suspended entry of judgment under AS 12.55.078;

(2) of a protective order under AS 18.66.100 - 18.66.180, restraining order, or injunction in a case involving domestic violence if the publication would likely reveal the identity or location of the party protected under the order."

Renumber the following bill sections accordingly.

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

Representative Claman objected.

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

HB 8

Second Reading

Amendment No. 1

YEAS: 18 NAYS: 22 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Eastman, Johnson, Johnston, Knopp, Kopp, Millett, Neuman, Pruitt, Rauscher, Reinbold, Saddler, Sullivan-Leonard, Talerico, Thompson, Tilton, Wilson

Nays: Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Josephson, Kawasaki, Kito, Kreiss-Tomkins, LeDoux, Ortiz, Parish, Seaton, Spohnholz, Stutes, Tarr, Tuck, Westlake, Wool

And so, Amendment No. 1 was not adopted.

The question being: "Shall HB 8 pass the House?" The roll was taken with the following result:

HB 8

Third Reading

Final Passage

YEAS: 38 NAYS: 2 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Claman, Drummond, Eastman, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wool

Nays: Rauscher, Wilson

And so, HB 8 passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Tuck 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 - Marilyn Davidson

By Representatives Stutes, Edgmon, Birch, Chenault, Claman, Drummond, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool; Senator Stevens

In Memoriam - Jim Douglas Rearden

By Senator Stevens; Representatives Seaton, Edgmon, Birch, Chenault, Claman, Drummond, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

SPECIAL ORDER OF BUSINESS

Representative Tuck moved and asked unanimous consent that the notice and publication requirements be waived and the citations, Honoring - Fran Ulmer, 2017 Shining Lights Award Recipient and Honoring - Billy Honea, be taken up as a Special Order of Business. There being no objection, it was so ordered.

Representative Tuck moved and asked unanimous consent that the House approve the citations. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Fran Ulmer, 2017 Shining Lights Award Recipient
By Representatives Tarr, Josephson, Edgmon, Birch, Chenault, Claman, Drummond, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Kawasaki, Kito, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

Honoring - Billy Honea
By Representatives Foster, Edgmon, Birch, Chenault, Claman, Drummond, Eastman, Fansler, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool; Senator Olson

UNFINISHED BUSINESS**HB 8**

Representatives Tuck and Josephson added as cosponsors to:

HOUSE BILL NO. 8
"An Act relating to protective orders."

HB 13

Representative Tuck added as a cosponsor to:

HOUSE BILL NO. 13
"An Act prohibiting the expenditure of state or municipal assets to create a registry based on race or religion."

HB 24

Representatives Tuck, Birch, Kopp, Josephson, Parish, and Saddler added as cosponsors to:

CS FOR HOUSE BILL NO. 24(FIN)

"An Act classifying U-47700 as a schedule IA controlled substance; and providing for an effective date."

HB 48

Representative Tuck added as a cosponsor to:

HOUSE BILL NO. 48

"An Act relating to the composition of the State Board of Registration for Architects, Engineers, and Land Surveyors; extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

HB 90

Representative Guttenberg added as a cosponsor to:

HOUSE BILL NO. 90

"An Act relating to occupational licensing fees; relating to an occupational investigation surcharge; and providing for an effective date."

ENGROSSMENT**HB 8**

HB 8 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 24

CSHB 24(FIN) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 48

HB 48 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 Tuck moved and asked unanimous consent that the House adjourn until 10:30 a.m., March 8. There being no objection, the House adjourned at 12:39 p.m.

Crystaline Jones
Chief Clerk