

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-FIRST LEGISLATURE
FIRST SESSION

Juneau, Alaska

Saturday

April 27, 2019

One Hundred Third Day

Pursuant to adjournment the House was called to order by Speaker Edgmon at 10:40 a.m.

Roll call showed 37 members present. Representatives Fields, Jackson, and Wool had been excused from a call of the House today.

The invocation was offered by the Chaplain, Representative Kopp. Representative Shaw moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Praise be to you, LORD, the God of our father Israel, from everlasting to everlasting. Yours, LORD, is the greatness and the power and the glory and the majesty and the splendor, for everything in heaven and earth is yours. Yours, LORD, is the kingdom; you are exalted as head over all. Wealth and honor come from you; you are the ruler of all things. In your hands are strength and power to exalt and give strength to all. Now, our God, we give you thanks, and praise your glorious name. Amen. I Chronicles 29:10-13

The Pledge of Allegiance was led by Representative Kopp.

CERTIFICATION OF THE JOURNAL

Representative Thompson moved and asked unanimous consent that the journal for the 102nd legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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MESSAGES FROM THE SENATE

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

FIRST READING AND REFERENCE OF SENATE BILLS

SB 95

SENATE BILL NO. 95 by Senators Coghill, Micciche, Bishop, Stevens, Stedman, and Giessel, entitled:

"An Act approving the transfer of certain Alaska Railroad Corporation land; and providing for an effective date."

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

REPORTS OF STANDING COMMITTEES

HR 8

The Resources Committee considered:

HOUSE RESOLUTION NO. 8

Recognizing 2019 as the International Year of the Salmon and supporting an associated global initiative identifying the importance of wild salmon.

and recommends it be replaced with:

CS FOR HOUSE RESOLUTION NO. 8(RES) (same title)

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

Do pass (6): Talerico, Hannan, Tuck, Rauscher, Tarr, Lincoln

No recommendation (2): Hopkins, Rasmussen

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The following fiscal note(s) apply to CSHR 8(RES):

1. Zero, Legislative Agency

HR 8 was referred to the Rules Committee for placement on the calendar.

HB 78

The Labor & Commerce Committee considered:

HOUSE BILL NO. 78

"An Act relating to insurance; relating to an insurer's corporate annual disclosure; relating to insurance company holding systems; and providing for an effective date."

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

Do pass (5): Hannan, Revak, Stutes, Talerico, LeDoux

The following fiscal note(s) apply:

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

HB 78 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - Jason Uyaq'aq Pavila
By Representative Zulkosky; Senator Hoffman

Honoring - Peter Nacuk Kaiser, 2019 Iditarod Sled Dog Race Champion
By Representative Zulkosky; Senator Hoffman

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Honoring - Sandy Boyd

By Representative Zulkosky; Senator Hoffman

Honoring - Valerie Nurr'araaluk Davidson

By Representative Zulkosky; Senator Hoffman

Honoring - Team Rubicon

By Representative Rauscher; Senator Shower

Honoring - Alaska Native Health Board, Celebrating 50 Years of Service

By Representative Zulkosky; Senator Hoffman

Honoring - Kuskokwim 300 Race Committee

By Representative Zulkosky

Honoring - American Bald Eagle Foundation

By Senator Kiehl; Representatives Hannan, Story

In Memoriam - Michele Marie Michaud

By Senator Kiehl; Representatives Hannan, Story

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HR 9

HOUSE RESOLUTION NO. 9 by Representatives Kopp and Rauscher:

Recognizing May 2, 2019, as the National Day of Prayer; and proclaiming May 2, 2019, as a state day of prayer.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 147

HOUSE BILL NO. 147 by Representative Wilson, entitled:

"An Act relating to the termination of a board or commission."

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

CONSIDERATION OF THE DAILY CALENDAR

THIRD READING OF HOUSE BILLS

HB 14

The following, which was advanced to third reading from the April 26 calendar (page 728), was read the third time:

CS FOR HOUSE BILL NO. 14(FIN)

"An Act relating to assault in the first degree; relating to harassment; relating to sex offenses; relating to the definition of 'dangerous instrument'; providing for an aggravating factor at sentencing for strangulation that results in unconsciousness; relating to the duties of the prosecuting attorney; and relating to victim notifications."

Representative Pruitt moved and asked unanimous consent that CSHB 14(FIN) be returned to second reading for the specific purpose of considering Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representatives Pruitt and Rauscher:

Page 1, line 2, following "**instrument**"; (title amendment):

Insert "**relating to sentencing**;"

Page 3, following line 13:

Insert new bill sections to read:

"* **Sec. 5. AS 12.55.027(d)** is amended to read:

(d) A court may not grant credit against a sentence of imprisonment for time spent in a private residence or under electronic monitoring [IF THE PERSON HAS NOT COMMITTED A CRIMINAL OFFENSE WHILE UNDER ELECTRONIC MONITORING AND THE COURT IMPOSES

RESTRICTIONS ON THE PERSON'S FREEDOM OF MOVEMENT AND BEHAVIOR WHILE UNDER THE ELECTRONIC MONITORING PROGRAM, INCLUDING REQUIRING THE PERSON TO BE CONFINED TO A RESIDENCE EXCEPT FOR A

- (1) COURT APPEARANCE;
- (2) MEETING WITH COUNSEL; OR
- (3) PERIOD DURING WHICH THE PERSON IS AT A LOCATION ORDERED BY THE COURT FOR THE PURPOSES OF EMPLOYMENT, ATTENDING EDUCATIONAL OR VOCATIONAL TRAINING, PERFORMING COMMUNITY VOLUNTEER WORK, OR ATTENDING A REHABILITATIVE ACTIVITY OR MEDICAL APPOINTMENT].

* **Sec. 6. AS 12.55.027(e)** is amended to read:

(e) If a defendant intends to claim credit toward a sentence of imprisonment for time spent in a treatment program [OR UNDER ELECTRONIC MONITORING] either as a condition of probation or as a condition of bail release after a petition to revoke probation has been filed, the defendant shall file notice with the court and the prosecutor 10 days before the disposition hearing. The notice shall include the amount of time the defendant is claiming. The defendant must prove by a preponderance of the evidence that the credit claimed meets the requirements of this section. A court may not consider, except for good cause, a request for credit made under this subsection more than 90 days after the disposition hearing."

Renumber the following bill sections accordingly.

Page 9, following line 16:

Insert a new bill section to read:

"* **Sec. 10. AS 12.55.027(g)** is repealed."

Renumber the following bill section accordingly.

Page 9, line 19, following "APPLICABILITY.":

Insert "(a)"

Page 9, line 22:

Delete "sec. 5"

Insert "sec. 7"

Page 9, following line 23:

Insert a new subsection to read:

"(b) AS 12.55.027(d), as amended by sec. 5 of this Act, and AS 12.55.027(e), as amended by sec. 6 of this act, apply to sentences imposed on or after the effective date of this Act."

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

Representative Wilson objected.

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

CSHB 14(FIN)

Second Reading

Amendment No. 2

YEAS: 18 NAYS: 19 EXCUSED: 3 ABSENT: 0

Yeas: Carpenter, Eastman, Johnson, Josephson, LeDoux, Merrick, Neuman, Pruitt, Rasmussen, Rauscher, Revak, Shaw, Sullivan-Leonard, Talerico, Tarr, Tilton, Tuck, Vance

Nays: Claman, Drummond, Edgmon, Foster, Hannan, Hopkins, Johnston, Knopp, Kopp, Kreiss-Tomkins, LeBon, Lincoln, Ortiz, Spohnholz, Story, Stutes, Thompson, Wilson, Zulkosky

Excused: Fields, Jackson, Wool

Tarr changed from "Nay" to "Yea".

And so, Amendment No. 2 was not adopted.

CSHB 14(FIN) was automatically in third reading.

The question being: "Shall CSHB 14(FIN) pass the House?" The roll was taken with the following result:

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CSHB 14(FIN)
Third Reading
Final Passage

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

Yea: Carpenter, Claman, Drummond, Edgmon, Foster, Hannan, Hopkins, Johnson, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, LeDoux, Lincoln, Merrick, Neuman, Ortiz, Pruitt, Rasmussen, Rauscher, Revak, Shaw, Spohnholz, Story, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Vance, Wilson, Zulkosky

Nays: Eastman

Excused: Fields, Jackson, Wool

And so, CSHB 14(FIN) passed the House and was referred to the Chief Clerk for engrossment.

THIRD READING OF SENATE BILLS

SB 25

The Speaker stated that, without objection, the following, which was advanced to third reading from the April 26 calendar (page 723), would be held to the April 29 calendar:

SENATE BILL NO. 25

"An Act extending the termination date of the Board of Dental Examiners; and providing for an effective date."

LEGISLATIVE CITATIONS

Representative Thompson 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 - Christine Pate
By Representative Kreiss-Tomkins

Honoring - Ruth Ann Parsons
By Representative Kreiss-Tomkins

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Honoring - Angelina Fraize
By Representative Tilton

Honoring - Richard Neil Crum
By Representative Tilton

Honoring - Kelly Roy
By Representatives LeDoux, Spohnholz; Senator Wielechowski

Honoring - Cindy Sandfort Lelake
By Representatives Edgmon, Drummond, Hopkins

Honoring - Lee and Lucas Brown
By Representative Kreiss-Tomkins

Honoring - First Korean Congress
By Representative Kreiss-Tomkins

Honoring - Sitka High School Track and Field Team, 2018 Alaska Division II State Champions
By Representative Kreiss-Tomkins

Honoring - 2019 Farthest North Girl Scout Council, Women of Distinction
By Senator Kawasaki; Representatives Hopkins, Thompson

In Memoriam - Charles Neil Natkong, Sr.
By Representatives Kreiss-Tomkins, Ortiz

In Memoriam - James Gould
By Representative Kreiss-Tomkins

In Memoriam - Seferino "Nino" Villarreal, Jr.
By Representative Kreiss-Tomkins

In Memoriam - John Clay Phillips
By Representative Kreiss-Tomkins

In Memoriam - John "Jack" Renn
By Representative Revak

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In Memoriam - Selina James Everson
By Senator Kiehl; Representatives Story, Hannan

SENSE OF THE HOUSE

The Community & Regional Affairs Committee referral of the Sense of the House, which was moved and pending (page 728), was before the House.

The question being: "Shall the Sense of the House be referred to the Community & Regional Affairs Committee?" The roll was taken with the following result:

Sense of the House
Refer to CRA Committee

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

Yeas: Claman, Drummond, Edgmon, Foster, Hannan, Hopkins, Johnston, Josephson, Knopp, Kopp, LeBon, LeDoux, Lincoln, Ortiz, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wilson, Zulkosky

Nays: Carpenter, Eastman, Johnson, Kreiss-Tomkins, Merrick, Neuman, Pruitt, Rasmussen, Revak, Shaw, Sullivan-Leonard, Talerico, Tilton, Vance

Excused: Fields, Jackson, Wool

Absent: Rauscher

And so, the Sense of the House was referred to the Community & Regional Affairs Committee.

UNFINISHED BUSINESS

HR 8

Representative Hannan added as a cosponsor to:

HOUSE RESOLUTION NO. 8

Recognizing 2019 as the International Year of the Salmon and supporting an associated global initiative identifying the importance of wild salmon.

HB 14

Representatives Johnson, Pruitt, Thompson, Wilson, Johnston, and Story added as cosponsors to:

CS FOR HOUSE BILL NO. 14(FIN)

"An Act relating to assault in the first degree; relating to harassment; relating to sex offenses; relating to the definition of 'dangerous instrument'; providing for an aggravating factor at sentencing for strangulation that results in unconsciousness; relating to the duties of the prosecuting attorney; and relating to victim notifications."

ENGROSSMENT**HB 14**

CSHB 14(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.

ADJOURNMENT

Representative Thompson moved and asked unanimous consent that the House adjourn until 11:00 a.m., April 29. There being no objection, the House adjourned at 12:44 p.m.

Crystalline Jones
Chief Clerk