

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### THIRTY-SECOND LEGISLATURE

#### FIRST SESSION

Juneau, Alaska

Wednesday

March 31, 2021

#### Seventy-second Day

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

Roll call showed 40 members present.

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

With the deepest respect for the religious beliefs of all Alaskans, I offer the following prayer:

May all beings everywhere plagued with sufferings of body and mind quickly be freed from their illness.

May those frightened cease to be afraid, and may those bound be free.

May the powerless find power, and may people think of befriending one another.

May those who find themselves in trackless, fearful wildernesses – the children, the aged, the unprotected – be guarded by beneficent celestials, and may they swiftly attain eternal peace. (Buddhist Tradition)

The Pledge of Allegiance was led by Representative Josephson.

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### **CERTIFICATION OF THE JOURNAL**

Representative Tuck moved and asked unanimous consent that the journal for the 70th and 71st 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 29 was read stating the Senate passed the following, and it is transmitted for consideration:

### **FIRST READING AND REFERENCE OF SENATE BILLS**

#### **SB 19**

CS FOR SENATE BILL NO. 19(FIN) by the Senate Finance Committee, entitled:

"An Act relating to allocations for the special education service agency; extending the special education service agency; and providing for an effective date."

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

### **REPORTS OF STANDING COMMITTEES**

The Education Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Jeffrey Erickson  
Keith Hamilton

as members of the Board of Education and Early Development.

Danette Peterson

as a member of the Professional Teaching Practices Commission.

The report was signed by Representatives Story and Drummond, Co-chairs; and Representatives Hopkins, Cronk, Gillham, Prax, and Zulkosky.

The Labor & Commerce Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Diane Thompson  
Dana Walukiewicz

as members of the Alcoholic Beverage Control Board.

Holly Andrews  
Connie Dougherty  
Michelle McMullin  
Khitsana Sypakanphay  
Tina Taylor

as members of the Board of Barbers and Hairdressers.

Bethel Belisle  
Rachel Pugh  
Hannah St. George

as members of the Board of Certified Direct-Entry Midwives.

Valery Kudryn  
William "Leon" McKean

as members of the Board of Certified Real Estate Appraisers.

The report was signed by Representative Spohnholz, Chair; and Representatives McCarty, Schrage, Kaufman, and Snyder.

## **HB 27**

The Finance Committee considered:

HOUSE BILL NO. 27  
"An Act naming the irene Webber Bridge."

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

Do pass (11): Ortiz, Edgmon, LeBon, Carpenter, Thompson, Johnson, Wool, Josephson, Rasmussen, Merrick, Foster

The following fiscal note(s) apply:

1. Fiscal, Dept. of Transportation & Public Facilities

HB 27 was referred to the Rules Committee.

### **HB 117**

The Labor & Commerce Committee considered:

#### HOUSE BILL NO. 117

"An Act extending the termination date of the Board of Certified Direct-Entry Midwives; and providing for an effective date."

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

Do pass (5): Nelson, McCarty, Schrage, Kaufman, Spohnholz

No recommendation (1): Fields

The following fiscal note(s) apply:

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

HB 117 was referred to the Finance Committee.

### **HB 128**

The Finance Committee considered:

#### HOUSE BILL NO. 128

"An Act relating to charitable gaming online ticket sales and activities."

and recommends it be replaced with:

**CS FOR HOUSE BILL NO. 128(FIN)**

"An Act relating to charitable gaming online ticket sales and activities; and providing for an effective date."

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

Do pass (4): Ortiz, Rasmussen, Merrick, Foster

No recommendation (3): Edgmon, Josephson, Johnson

Amend (4): LeBon, Carpenter, Wool, Thompson

The following fiscal note(s) apply to CSHB 128(FIN):

1. Indeterminate, Dept. of Revenue

HB 128 was referred to the Rules Committee.

**SB 70**

The Health & Social Services Committee considered:

**CS FOR SENATE BILL NO. 70(HSS)**

"An Act relating to opioid overdose drugs; and providing for an effective date."

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

Do pass (7): Fields, Spohnholz, McCarty, Prax, Kurka, Zulkosky, Snyder

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

CSSB 70(HSS) was referred to the Rules Committee.

**REPORTS OF SPECIAL COMMITTEES****HB 28**

The House Special Committee on Fisheries considered:

**HOUSE BILL NO. 28**

"An Act relating to the registration of commercial vessels; and providing for an effective date."

and recommends it be replaced with:

**CS FOR HOUSE BILL NO. 28(FSH)**  
(same title)

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

Do pass (5): Story, Stutes, Kreiss-Tomkins, Ortiz, Tarr

No recommendation (1): McCabe

The following fiscal note(s) apply to CSHB 28(FSH):

1. Fiscal, Dept. of Administration
2. Fiscal, Dept. of Fish & Game

HB 28 was referred to the Finance Committee.

**HB 41**

The House Special Committee on Fisheries considered:

**HOUSE BILL NO. 41**

"An Act relating to management of enhanced stocks of shellfish; authorizing certain nonprofit organizations to engage in shellfish enhancement projects; relating to application fees for salmon hatchery permits and shellfish enhancement project permits; allowing the Alaska Seafood Marketing Institute to market aquatic farm products; and providing for an effective date."

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

Do pass (3): Story, Ortiz, Tarr

No recommendation (2): McCabe, Kreiss-Tomkins

The following fiscal note(s) apply:

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Dept. of Fish & Game
3. Indeterminate, Dept. of Fish & Game
4. Indeterminate, Office of the Governor/Special Appropriations
5. Indeterminate, Dept. of Revenue

HB 41 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 - Lieutenant Governor Kevin Meyer  
By Representative Rauscher

In Memoriam - Ramona "Gail" McIver Phillips  
By Senators Begich, Stevens; Representative Vance

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

Commemorating - Law Enforcement Memorial Day, May 7, 2021  
By Representative Stutes

Honoring - Kenai Peninsula Hockey Association Ice Hawks  
By Representative Gillham

Honoring - Alaska's Social Workers  
By Representatives Story, Hannan; Senator Kiehl

In Memoriam - Aaron Downing  
By Representative Tilton; Senator Wilson

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In Memoriam - Robert "Bub" Hallett  
By Representatives McCabe, Tuck

In Memoriam - Suzan Stoltze  
By Representative Tilton; Senator Costello

In Memoriam - Ima "Gean" Christensen  
By Senator Kiehl; Representatives Story, Hannan

In Memoriam - Kathy Kolkhorst Ruddy  
By Senator Kiehl; Representatives Story, Hannan

In Memoriam - Cyrus Peck, Jr.  
By Senator Kiehl; Representatives Hannan, Story

In Memoriam - Mark McNamara  
By Senator Kiehl; Representatives Story, Hannan

### **SPECIAL ORDER OF BUSINESS**

Representative Tuck moved and asked unanimous consent that the notice and publication requirements be waived and the citation, In Memoriam - Ramona "Gail" McIver Phillips, 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 citation. There being no objection, the following citation was approved and sent to enrolling:

In Memoriam - Ramona "Gail" McIver Phillips  
By Senators Begich, Stevens; Representative Vance

### **INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS**

#### **HB 157**

HOUSE BILL NO. 157 by Representative Rasmussen, entitled:

"An Act requiring the disclosure of the identity of certain persons, groups, and nongroup entities that expend money in support of or

in opposition to an application filed for a state referendum or recall election; and providing for an effective date."

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

**HB 158**

HOUSE BILL NO. 158 by Representative Prax, entitled:

"An Act relating to contributions from permanent fund dividends to the general fund."

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 establishing the Consumer Data Privacy Act; establishing data broker registration requirements; making a violation of the Consumer Data Privacy Act an unfair or deceptive trade practice; 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
2. Fiscal, Dept. of Law

The Governor's transmittal letter dated March 30 follows:

"Dear Speaker Stutes:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill significantly strengthening the privacy of Alaskans' personal information.

The Consumer Data Privacy Act creates a new set of consumer privacy rights to protect personal and sensitive information. The bill provides Alaskans with the right to know when businesses are collecting personal information, what information is being collected, the right to request collected personal information be deleted, and the right to prevent businesses from selling their personal information.

In 2018, it was disclosed that Facebook has shared access to users' data with other tech firms, including Amazon, Apple, Microsoft, Netflix, and Spotify. Examples given by the New York Times include allowing others' products the ability to read users' private messages and to see the names, contact details, and activities of their friends. These revelations follow a series of scandals including the Cambridge Analytica data harvest, evidence of meddling in U.S. affairs, and several data-exposing bugs. Facebook maintained they are not selling user data, but we must challenge that claim and ensure consumers can determine what is done with their personal data.

Article I, Section 22, of the Alaska Constitution provides one of the strongest individual rights to privacy in the nation. While technology continues to bring convenience and utility to our lives, those benefits can come at the expense of our personal privacy. The Consumer Data Privacy Act will help ensure Alaskans determine how their personal data is used in today's marketplace.

The bill generally applies to businesses with gross revenues of \$25,000,000 or more, those that bought or disclosed personal information of 100,000 or more persons or households, or that sold the personal information of a consumer, household, or device in the last year. The bill prevents businesses from disclosing the personal information of minors under the age of 13 to a third party and from disclosing or selling the personal information of a minor older than 13 without the consent of a parent or guardian.

In addition, the bill requires data brokers to register with the Department of Commerce, Community, and Economic Development and to provide consumers a clear online link by which they can exercise their rights under this act.

I urge your prompt and favorable action on this measure.

Sincerely,  
/s/  
Mike Dunleavy  
Governor"

**HB 160**

HOUSE BILL NO. 160 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the state procurement code; establishing the construction manager general contractor procurement method; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Transportation & Public Facilities

The Governor's transmittal letter dated March 30 follows:

"Dear Speaker Stutes:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill amending the state procurement code to authorize construction manager general contractor (CM/GC) procurement contracts.

The Department of Transportation and Public Facilities (DOT&PF) has been using the CM/GC contracting methodology under the State's existing innovative procurement statute AS 36.30.308 over the past 15 years. CM/GC allows a contractor to be awarded a two-phase contract to provide both the preconstruction and construction phases of a project. Since this style of procurement does not fit the State's existing statutory procurement framework, each two-phase contract has had to follow the innovative procurement guidelines in statute. Under that methodology, DOT&PF must submit an "innovative procurement" request to the Department of Law for each CM/GC contract it solicits, even though each procurement follows a similar process. CM/GC is included in Federal Highway Administrative regulations, other states'

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regulations, and is a common and accepted practice in the construction industry.

This bill modernizes Alaska's procurement code to include the CM/GC methodology. This will improve and clarify our procurement process, help avoid unnecessary administrative delays, and allow the department to more quickly improve Alaska's roads, highways, and other critical infrastructure.

I urge your prompt attention to this measure.

Sincerely,

/s/

Mike Dunleavy  
Governor"

## CONSIDERATION OF THE DAILY CALENDAR

### SECOND READING OF HOUSE BILLS

#### **HB 115**

The following was read the second time:

#### HOUSE BILL NO. 115

"An Act relating to aquatic farming and hatchery site leases; and requiring the director of the division of lands to provide the legislature with an annual report relating to aquatic farming and hatchery site leases."

with the:

Journal Page

FSH RPT 7DP	302
FN1: ZERO(DNR)	302
RES RPT 4DP 3NR	412
FN1: ZERO(DNR)	412

Amendment No. 1 was offered by Representative Vance:

Page 4, line 4, following "report":

Insert "in electronic form"

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Page 6, line 3, following "representatives":  
Insert "in electronic form"

Representative Vance moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, Amendment No. 1 was adopted.

Representative Tuck moved and asked unanimous consent that HB 115 am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 115 am was read the third time.

The question being: "Shall HB 115 am pass the House?" The roll was taken with the following result:

HB 115 am  
Third Reading  
Final Passage

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

Yeas: Carpenter, Claman, Cronk, Drummond, Eastman, Edgmon, Fields, Foster, Gillham, Hannan, Hopkins, Johnson, Josephson, Kaufman, Kreiss-Tomkins, Kurka, LeBon, McCabe, McCarty, McKay, Merrick, Nelson, Ortiz, Patkotak, Prax, Rasmussen, Rauscher, Schrage, Shaw, Snyder, Spohnholz, Story, Stutes, Tarr, Thompson, Tilton, Tuck, Vance, Wool, Zulkosky

And so, HB 115 am passed the House and was referred to the Chief Clerk for engrossment.

## SENATE RESOLUTIONS IN SECOND READING

### **SJR 9**

The following, which was held in second reading with Amendment No. 1 moved and pending from the March 29 calendar (page 475), was before the House:

CS FOR SENATE JOINT RESOLUTION NO. 9(L&C)  
Urging the United States Congress to exempt cruise ships from

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certain provisions of the Passenger Vessel Services Act and other applicable provisions of federal law for the period during which Canadian ports are closed to cruise ships carrying more than 100 people; and urging the President of the United States not to fine or take actions against cruise ships sailing to the state.

Amendment No. 1 to Amendment No. 1 was offered by Representatives Carpenter and Eastman:

Page 1, following line 3 of the amendment:

Insert "**Insert "; and urging the President of the United States, to the extent allowed by law, to exercise his authority to allow cruise ships to travel to and from ports in the State of Washington and this state while Canadian ports are closed to cruise ships""**

Page 1, lines 15 - 17 of the amendment:

Delete all material.

Page 1, line 20 of the amendment:

Delete "."

Insert "and insert:

**"FURTHER RESOLVED** that, if the United States Congress does not exempt cruise ships from the requirements of the Passenger Vessel Services Act and any other applicable provisions of federal law, the Alaska State Legislature urges the President of the United States, to the extent allowed by law, to exercise his authority to allow cruise ships to travel directly on round-trip itineraries to and from ports in the State of Washington and this state while Canadian ports are closed to cruise ships.""

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

Representative Ortiz objected.

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

CSSJR 9(L&C)  
Second Reading  
Amendment No. 1 to Amendment No. 1

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**YEAS: 17 NAYS: 23 EXCUSED: 0 ABSENT: 0**

Yea: Carpenter, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Nelson, Prax, Rauscher, Shaw, Thompson, Tilton, Vance

Nay: Claman, Cronk, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Patkotak, Rasmussen, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

And so, Amendment No. 1 to Amendment No. 1 was not adopted.

Amendment No. 2 to Amendment No. 1 was not offered.

Amendment No. 3 to Amendment No. 1 was offered by Representatives Rasmussen and Ortiz:

Page 1, lines 1-3 of the amendment:

Delete all material

Page 1, lines 15-17 of the amendment:

Delete all material

Page 1, line 20 of the amendment:

Delete "."

Insert "and insert:

**"FURTHER RESOLVED** that, if the United States Congress does not exempt cruise ships from the requirements of the Passenger Vessel Service Act and any other applicable provisions of federal law, the Alaska State Legislature urges the President of the United States, to the extent allowed by law, to exercise his authority to allow cruise ships to travel directly on round-trip itineraries to and from ports in the State of Washington and this State while Canadian ports are closed to cruise ships.""

Representative Rasmussen moved and asked unanimous consent that Amendment No. 3 to Amendment No. 1 be adopted.

Representative Eastman objected.

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The question being: "Shall Amendment No. 3 to Amendment No. 1 be adopted?" The roll was taken with the following result:

CSSJR 9(L&C)

Second Reading

Amendment No. 3 to Amendment No. 1

**YEAS: 32 NAYS: 8 EXCUSED: 0 ABSENT: 0**

Yeas: Claman, Cronk, Drummond, Edgmon, Fields, Foster, Gillham, Hannan, Hopkins, Johnson, Josephson, Kaufman, Kreiss-Tomkins, LeBon, McCarty, McKay, Merrick, Nelson, Ortiz, Patkotak, Prax, Rasmussen, Schrage, Shaw, Snyder, Spohnholz, Story, Stutes, Thompson, Tuck, Wool, Zulkosky

Nays: Carpenter, Eastman, Kurka, McCabe, Rauscher, Tarr, Tilton, Vance

And so, Amendment No. 3 to Amendment No. 1 was adopted.

There being no further objection, Amendment No. 1 as amended was adopted.

Representative Tuck moved and asked unanimous consent that CSSJR 9(L&C) am H be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSJR 9(L&C) am H was read the third time.

The question being: "Shall CSSJR 9(L&C) am H pass the House?" The roll was taken with the following result:

CSSJR 9(L&C) am H

Third Reading

Final Passage

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

Yeas: Carpenter, Claman, Cronk, Drummond, Edgmon, Fields, Foster, Gillham, Hannan, Hopkins, Johnson, Josephson, Kaufman, Kreiss-Tomkins, LeBon, McCabe, McCarty, McKay, Merrick, Nelson, Ortiz, Patkotak, Prax, Rasmussen, Rauscher, Schrage, Shaw, Snyder, Spohnholz, Story, Stutes, Tarr, Thompson, Tilton, Tuck, Vance, Wool, Zulkosky

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Nays: Eastman, Kurka

And so, CSSJR 9(L&C) am H 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 - Dave Reaves

By Senators Gray-Jackson, Wielechowski; Representative Eastman

In Memoriam - Dixie Lee Farrens Winningham Waddell

By Representative Tilton

In Memoriam - Jinx Whitaker

By Representative Hopkins; Senator Bishop

In Memoriam - Dave Robert Klein

By Representative Hopkins; Senators Kawasaki, Myers

### **SPECIAL ORDER OF BUSINESS**

Representative Tuck moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - Lieutenant Governor Kevin Meyer, 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 citation. There being no objection, the following citation was approved and sent to enrolling:

Honoring - Lieutenant Governor Kevin Meyer

By Representative Rauscher

**UNFINISHED BUSINESS**

The Speaker added a Labor & Commerce Committee referral to the following:

**Regulatory Commission of Alaska**

Keith Kurer – Fairbanks

The appointment had been referred to the Community & Regional Affairs and Finance Committees (page 197).

The order of referrals is Community & Regional Affairs, Labor & Commerce, and Finance Committees.

**HB 156**

The Speaker removed the Labor & Commerce Committee referral and added a Finance Committee referral for the following:

**HOUSE BILL NO. 156**

"An Act relating to industrial hemp; and providing for an effective date."

HB 156 was referred to the Resources Committee with further referral to the Finance Committee.

**HJR 14**

Representatives LeBon, McCarty, McCabe, Prax, and Cronk added as cosponsors to:

**HOUSE JOINT RESOLUTION NO. 14**

Supporting the passage by the United States Congress of the SAFE Banking Act of 2019, sec. 110606 of the Heroes Act, or similar legislation relating to cannabis-related legitimate businesses' access to financial services.

**HB 5**

Representative Hannan added as a cosponsor to:

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5**

"An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent;

relating to the testing of sexual assault examination kits; and providing for an effective date."

**HB 17**

Representative Kreiss-Tomkins added as a cosponsor to:

**HOUSE BILL NO. 17**

"An Act adding to the powers and duties of the State Commission for Human Rights; and relating to and prohibiting discrimination based on sexual orientation or gender identity or expression."

**HB 25**

Representative Zulcosky added as a cosponsor to:

**HOUSE BILL NO. 25**

"An Act relating to the duties of the state Board of Education and Early Development; relating to statewide standards for instruction in social-emotional learning; and providing for an effective date."

**HB 51**

Representative Kreiss-Tomkins added as a cosponsor to:

**HOUSE BILL NO. 51**

"An Act relating to aggravating factors considered at sentencing."

**HB 91**

Representative McCarty added as a cosponsor to:

**HOUSE BILL NO. 91**

"An Act exempting veterinarians from the requirements of the controlled substance prescription database."

**HB 115**

Representative Josephson added as a cosponsor to:

**HOUSE BILL NO. 115 am**

"An Act relating to aquatic farming and hatchery site leases; and requiring the director of the division of lands to provide the legislature with an annual report relating to aquatic farming and hatchery site leases."

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### **HB 145**

Representative McCarty added as a cosponsor to:

#### HOUSE BILL NO. 145

"An Act relating to the Board of Pharmacy; relating to health care services provided by pharmacists and pharmacy technicians; and relating to the practice of pharmacy."

### **ENGROSSMENT**

### **HB 115**

HB 115 am was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

### **SJR 9**

CSSJR 9(L&C) am H 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 Tuck moved and asked unanimous consent that the House adjourn until 10:30 a.m., April 2. There being no objection, the House adjourned at 12:21 p.m.

Crystaline Jones  
Chief Clerk