

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-NINTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Monday

March 9, 2015

Forty-ninth Day

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

Roll call showed 39 members present.

Representative Millett moved and asked unanimous consent that Representative Olson 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 Dr. Phil Campbell of Northern Light United Church. Representative Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

It is an honor to be with you again; this is my fifth year to have the privilege to share with you. I am particularly happy to be here this year because since October, I have had three major surgeries, only one of which was anticipated. The unplanned operations were for repair of a life threatening aneurysm and for cancer. I say this not to elicit sympathy but to mention two matters that have shaped me these last few months. One is a deepened appreciation both for the gift of life and for its fragility, and the other is a heightened awareness of how little I often know of what others who I encounter are dealing with in their lives. With these things in mind and as I pray, I invite you to use this time in a manner that honors your tradition or practice whatever that may be.

Creative Spirit, I ask that you give to those gathered in this Chamber and all of us who reside in this great state, the gifts of appreciation and awareness, appreciation for life itself, and awareness of the many challenges that our fellow citizens face as they do what they can to navigate the day they have been given. Amen.

The Pledge of Allegiance was led by Representative Kreiss-Tomkins.

CERTIFICATION OF THE JOURNAL

Representative Millett moved and asked unanimous consent that the journal for the 46th, 47th, and 48th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Millett introduced Savaya Bieber, Guest Page, from Kenai.

COMMUNICATIONS

The following was received:

Alaska Energy Authority
Statistical Report of the Power Cost Equalization Program
Fiscal Year 2014
March 2015

REPORTS OF STANDING COMMITTEES

HB 80

The Education Committee considered:

HOUSE BILL NO. 80

"An Act repealing the requirement for secondary students to take college and career readiness assessments."

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

Do pass (5): Reinbold, Colver, Kreiss-Tomkins, Vazquez, Keller

Do not pass (2): Drummond, Seaton

The following fiscal note(s) apply:

1. Fiscal, Dept. of Education & Early Development

HB 80 was referred to the Rules Committee for placement on the calendar.

HB 109

The Resources Committee considered:

HOUSE BILL NO. 109

"An Act relating to the duties and powers of the attorney general with respect to certain settlements directly related to oil and gas leases; providing exceptions for certain tax and regulatory matters; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 109(RES)

"An Act relating to the duties and powers of the attorney general with respect to certain settlements; providing exceptions for certain tax and regulatory matters; and providing for an effective date."

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

Do pass (6): Hawker, Seaton, Johnson, Olson, Nageak, Talerico

Amend (1): Josephson

The following fiscal note(s) apply to CSHB 109(RES):

1. Zero, Dept. of Natural Resources

HB 109 was referred to the Labor & Commerce Committee.

REPORTS OF SPECIAL COMMITTEES

HB 58

The House Special Committee on Energy considered:

HOUSE BILL NO. 58

"An Act making an entity that is exempt from federal taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code) and a federally recognized tribe eligible for a loan from the Alaska energy efficiency revolving loan fund; and relating to loans from the Alaska energy efficiency revolving loan fund."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 58(ENE)

"An Act making an entity that is exempt from federal taxation under 26 U.S.C. 501(c)(3), (4), (6), (12), or (19) (Internal Revenue Code) and a federally recognized tribe eligible for a loan from the Alaska energy efficiency revolving loan fund; relating to loans from the Alaska energy efficiency revolving loan fund; and relating to the annual report published by the Alaska Housing Finance Corporation."

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

Do pass (4): Claman, Talerico, Wool, Vazquez

No recommendation (1): Tilton

The following fiscal note(s) apply to CSHB 58(ENE):

1. Zero, Dept. of Revenue

HB 58 was referred to the Labor & Commerce Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Dr. Ethel Lund

By Representatives Kito, Munoz; Senator Egan

Honoring - Scott Faeo and Eric Quam, 2015 Iron Dog Champions

By Representatives Tilton, Tuck, Gattis, Hughes, Keller, Neuman, Colver; Senators Stoltze, Huggins, Dunleavy

Honoring - HooDoo Brewing Company

By Representatives Kawasaki, Thompson

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 84**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 84 by Representatives REINBOLD, Tilton, Keller, Hughes, and Talerico, entitled:

"An Act relating to the Legislative Budget and Audit Committee; requiring state agencies, municipalities, and regional educational attendance areas to report on federal receipts; and relating to the increase of an appropriation item based on additional federal or program receipts."

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

HB 140

HOUSE BILL NO. 140 by Representatives THOMPSON, Chenault, and Hawker, entitled:

"An Act authorizing the Alaska Railroad Corporation to issue revenue bonds to finance a positive train control rail transportation safety project that qualifies for federal financial participation; and providing for an effective date."

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

HB 141

HOUSE BILL NO. 141 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to exceptions from designation as a special purpose site under art. VIII, sec. 7 of the Constitution of the State of Alaska for portions of Denali State Park, Captain Cook State Recreation Area, Nancy Lake State Recreation Area, and Willow Creek State Recreation Area to allow leasing a right-of-way for a natural gas pipeline."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources

The Governor's transmittal letter dated March 5, 2015, follows:

"Dear Speaker Chenault:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to the development of a natural gas pipeline corridor through Denali State Park, Captain Cook State Recreation Area, Nancy Lake State Recreation Area, and Willow Creek State Recreation Area.

The bill would open a corridor in Denali State Park, Captain Cook State Recreation Area, Nancy Lake State Recreation Area, and Willow Creek State Recreation Area to right-of-way leasing for the construction and operation of a natural gas pipeline from the North Slope, while retaining management of the land as park land pending issuance of a right-of-way lease and imposing conditions on any right-of-way lease to protect the scenic and recreational value of the land for citizens of the state. In addition, the bill would provide for the return to special purpose status of all affected land as it is released from the pipeline right-of-way corridor.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker
Governor"

HB 142

HOUSE BILL NO. 142 by Representatives FOSTER, Millett, and Kawasaki, entitled:

"An Act establishing Elders' Day."

was read the first time and referred to the State Affairs Committee.

HB 143

HOUSE BILL NO. 143 by Representative MUNOZ, entitled:

"An Act authorizing the Alaska Industrial Development and Export Authority to issue bonds to finance the infrastructure and construction costs of the Sweetheart Lake hydroelectric project; and relating to legislative approval for a loan from the power project fund to the Lynn Canal Transmission Corporation."

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

CONSIDERATION OF THE DAILY CALENDAR

THIRD READING OF HOUSE BILLS

HB 8

The following, which was advanced to third reading from the March 6, 2015, calendar (page 385), was read the third time:

CS FOR HOUSE BILL NO. 8(JUD)

"An Act relating to powers of attorney and other substitute decision-making documents; relating to the uniform probate code; and providing for an effective date."

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

The Speaker stated that, without objection, CSHB 8(JUD) would be returned to second reading for all amendments.

Amendment No. 1 was offered by Representatives Claman and Hughes:

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

Insert "**relating to notaries public**;"

Page 36, line 8, following "**attorney**.":

Insert "(a)"

Page 36, following line 13:

Insert a new subsection to read:

"(b) Notwithstanding AS 44.50.062(5)(A), a notary public may consider that the principal has signed a power of attorney if the principal, in the presence of the notary public, directs another individual to sign under (a)(1) of this section."

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted, and the new title follows:

CS FOR HOUSE BILL NO. 8(JUD) am

"An Act relating to powers of attorney and other substitute decision-making documents; relating to the uniform probate code; relating to notaries public; and providing for an effective date."

Amendment No. 2 was offered by Representative Claman:

Page 6, following line 21:

Insert a new subsection to read:

"(b) An agent's authority terminates when:
(1) the principal revokes the authority;
(2) the agent dies, becomes incapacitated, or resigns;
(3) an action is filed for the dissolution or annulment of the agent's marriage to the principal or their legal separation, unless the power of attorney otherwise provides; or
(4) the power of attorney terminates"

Renumber the following subsection accordingly.

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

There was objection.

Representative Claman moved and asked unanimous consent to withdraw Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Claman:

Page 13, line 7, following "category":

Insert ";

(6) if the principal has failed to indicate the terms of the agent's compensation, an agent is entitled to reimbursement of expenses reasonably incurred on behalf of the principal and to compensation that is reasonable under the circumstances"

Representative Claman moved and asked unanimous consent that Amendment No. 3 be adopted.

There was objection.

Representative Claman moved and asked unanimous consent to withdraw Amendment No. 3. There being no objection, it was so ordered.

Amendment No. 4 was offered by Representative Claman:

Page 12, line 24:

Delete "the agents are required to act jointly"

Insert "**each coagent may exercise its authority independently**
[THE AGENTS ARE REQUIRED TO ACT JOINTLY]"

Representative Claman moved and asked unanimous consent that Amendment No. 4 be adopted.

There was objection.

Representative Claman moved and asked unanimous consent to withdraw Amendment No. 4. There being no objection, it was so ordered.

Amendment No. 5 was offered by Representative Claman:

Page 4, following line 21:

Insert new subsections to read:

"(i) Except as otherwise provided in the power of attorney and subsection (j), an agent that does not participate in or conceal a breach of fiduciary duty committed by another agent, including a predecessor agent, is not liable for the actions of the other agent.

(j) An agent that has actual knowledge of a breach or imminent breach of fiduciary duty by another agent shall notify the principal and, if the principal is incapacitated, take any action reasonably appropriate in the circumstances to safeguard the principal's best interest. An agent that fails to notify the principal or take action as required by this subsection is liable for the reasonably foreseeable damages that could have been avoided if the agent had notified the principal or taken such action."

Representative Claman moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative Hughes objected.

Representative Claman moved and asked unanimous consent to withdraw Amendment No. 5. There being no objection, it was so ordered.

Amendment No. 6 was offered by Representative Claman:

Page 6, lines 14 - 15:

Delete all material.

ReNUMBER the following paragraphs accordingly.

Page 13, line 1:

Delete "revoked by the subsequent **incapacity** [DISABILITY] of the principal"

Insert " **durable** [REVOKED BY THE SUBSEQUENT DISABILITY OF THE PRINCIPAL]"

Representative Claman moved and asked unanimous consent that Amendment No. 6 be adopted.

There was objection.

Representative Claman moved and asked unanimous consent to withdraw Amendment No. 6. There being no objection, it was so ordered.

CSHB 8(JUD) am was automatically in third reading.

The question being: "Shall CSHB 8(JUD) am pass the House?" The roll was taken with the following result:

CSHB 8(JUD) am

Third Reading

Final Passage

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

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

Nays: Guttenberg, Tuck

Excused: Olson

And so, CSHB 8(JUD) am passed the House.

Representative Millett 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 8(JUD) am 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 - Elizabeth Kotongan on Her 100th Birthday

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

Honoring - Captain Gary Givens, RPh, PHS

By Senator MacKinnon; 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, Reinbold, Saddler, Seaton, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vazquez, Wilson, Wool

Honoring - Mr. Andrew Jimmie

By Senator Bishop; Representatives Talerico, 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, Tarr, Thompson, Tilton, Tuck, Vazquez, Wilson, Wool

Honoring - Robert Nelson and the Anchorage Vet Center

By Senators Huggins, Costello; Representatives Thompson, Vazquez, 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, Reinbold, Saddler, Seaton, Stutes, Talerico, Tarr, Tilton, Tuck, Wilson, Wool

Honoring - Northern Industrial Training, LLC

By Senators Huggins, Dunleavy; 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, Reinbold, Saddler, Seaton, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vazquez, Wilson, Wool

Honoring - Juneau Masonic Community

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

In Memoriam - Art Peters

By Senators Huggins, Stevens; 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**HB 80**

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 80

"An Act repealing the requirement for secondary students to take college and career readiness assessments."

HB 80 was removed from the Rules Committee and referred to the Finance Committee.

Representative Millett moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Thompson – from 12:30 p.m., March 13 to 10:00 a.m., March 16

HJR 6

Representative Claman added as a cosponsor to:

HOUSE JOINT RESOLUTION NO. 6

Supporting the introduction and enactment of federal legislation acknowledging that the federal government is financially responsible under the Alaska Native Claims Settlement Act for the remediation of contaminated land subject to conveyance under the Act; urging the United States Department of the Interior to implement the six recommendations to identify and clean up the Alaska Native Claims Settlement Act lands in its 1998 report to the United States Congress; and urging the President of the United States and the United States Congress to remediate and make free from pollutants lands in the state conveyed under the Alaska Native Claims Settlement Act.

HJR 13

Representative Thompson added as a cosponsor to:

CS FOR HOUSE JOINT RESOLUTION NO. 13(MLV)

Urging the United States Department of the Army to maintain and strengthen the current level of its combat-capable structure in the state and not to take structural realignment actions with regard to Fort Wainwright and Joint Base Elmendorf-Richardson.

HJR 17

Representatives Thompson and Vazquez added as cosponsors to:

HOUSE JOINT RESOLUTION NO. 17

Urging the President of the United States and the United States Congress to ensure that federal agencies do not ban certain ammunition; and urging the governor to encourage the manufacture of firearms and ammunition in Alaska.

HB 42

Representative Kito added as a cosponsor to:

HOUSE BILL NO. 42

"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 58

Representative Ortiz added as a cosponsor to:

HOUSE BILL NO. 58

"An Act making an entity that is exempt from federal taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code) and a federally recognized tribe eligible for a loan from the Alaska energy efficiency revolving loan fund; and relating to loans from the Alaska energy efficiency revolving loan fund."

HB 66

Representative Tuck added as a cosponsor to:

HOUSE BILL NO. 66

"An Act relating to providing medical insurance coverage under the Teachers' Retirement System of Alaska and the Public Employees' Retirement System of Alaska; and providing for an effective date."

HB 76

Representative Kito added as a cosponsor to:

HOUSE BILL NO. 76

"An Act relating to the Governor's Council on Disabilities and Special Education."

ENGROSSMENT

HB 8

CSHB 8(JUD) am 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:

Finance Committee

CANCELED

ADJOURNMENT

Representative Millett moved and asked unanimous consent that the House adjourn until 10:30 a.m., March 11, 2015. There being no objection, the House adjourned at 12:26 p.m.

Suzi Lowell
Chief Clerk