

**HOUSE JOURNAL**  
**ALASKA STATE LEGISLATURE**  
**THIRTIETH LEGISLATURE**  
**FIRST SESSION**

**Juneau, Alaska**

**Tuesday**

**April 11, 2017**

**Eighty-fifth Day**

Pursuant to adjournment the House was called to order by Speaker Edgmon at 10:45 a.m.

Roll call showed 40 members present.

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

With respect for the beliefs of all Alaskans, I offer the following prayer.

Dear Lord,

We come before you thankful that we have another day to see and partake in. We thank you for your grace, mercy, and this great abundant land we call home. We ask that you would allow our day to be productive, purposeful, and peaceful. Help us remain focused and on task as we go about our responsibilities for the people of Alaska. I ask your continued blessings upon the members of this legislature; please guide us, provide wisdom, and strengthen our ability to make sound decisions. Bless the people of Alaska and help us all be good citizens, respectful in our disagreements, and generous in our behavior toward one another. Let us remember those who have far greater needs than we do and particularly those who

have sacrificed all for our benefit. We ask these things in Jesus' name. Amen.

The Pledge of Allegiance was led by Representative Wool.

### **CERTIFICATION OF THE JOURNAL**

Representative Tuck moved and asked unanimous consent that the journal for the 84th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **CONCUR IN SENATE AMENDMENTS**

#### **HB 57**

Representative Tilton moved and asked unanimous consent that the House consider the Senate message (page 880) on the following:

CS FOR HOUSE BILL NO. 57(FIN) am(brf sup maj fld)(efd fld)  
"An Act making appropriations for the operating and loan program expenses of state government and for certain programs; capitalizing funds; repealing appropriations; and making supplemental appropriations and reappropriations."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 57(FIN) am S  
"An Act making appropriations for the operating and loan program expenses of state government and for certain programs; capitalizing funds; repealing appropriations; making supplemental appropriations and reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

(technical title change)

There was objection.

The question being: "Shall the House take up SCS CSHB 57(FIN) am S now?" The roll was taken with the following result:

SCS CSHB 57(FIN) am S

Take up now

**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, the motion failed.

### **MESSAGES FROM THE SENATE**

Messages dated April 10 were read stating the Senate passed the following, and they are transmitted for consideration:

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

#### **SB 6**

CS FOR SENATE BILL NO. 6(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to the regulation and production of industrial hemp; relating to industrial hemp pilot programs; providing that industrial hemp is not included in the definition of 'marijuana'; and clarifying that adding industrial hemp to food does not create an adulterated food product."

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

#### **SB 28**

SENATE BILL NO. 28 by Senator Stedman, entitled:

"An Act relating to the general grant land entitlement for the Petersburg Borough; and providing for an effective date."

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

**SB 93**

SENATE BILL NO. 93 by Senators Coghill and Gardner, entitled:

"An Act relating to security freezes on the credit reports or records of incapacitated persons and certain minors."

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

**REPORTS OF STANDING COMMITTEES****HB 9**

The Labor & Commerce Committee considered:

**HOUSE BILL NO. 9**

"An Act relating to the Board of Pharmacy; relating to the licensing and inspection of certain facilities located outside the state; relating to drug supply chain security; and creating a position of executive administrator for the Board of Pharmacy."

and recommends it be replaced with:

**CS FOR HOUSE BILL NO. 9(L&C)**

"An Act relating to the Board of Pharmacy; relating to the licensing of certain entities and inspection of certain facilities located outside the state; relating to drug supply chain security; creating a position of executive administrator for the Board of Pharmacy; and providing for an effective date."

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

Do pass (3): Sullivan-Leonard, Birch, Kito

No recommendation (4): Stutes, Wool, Josephson, Knopp

The following fiscal note(s) apply to CSHB 9(L&C):

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

HB 9 was referred to the Finance Committee.

**HB 38**

The Labor & Commerce Committee considered:

HOUSE BILL NO. 38

"An Act relating to the calculation and payment of workers' compensation benefits in the case of permanent partial impairment; relating to the calculation and payment of workers' compensation death benefits payable to a child of an employee where there is no surviving spouse; relating to the calculation and payment of workers' compensation death benefits for an employee without a surviving spouse or child; relating to notice of workers' compensation death benefits; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 38(L&C)

"An Act relating to the payment of workers' compensation benefits in the case of permanent partial impairment; relating to the payment of workers' compensation death benefits payable to a child of an employee where there is no surviving spouse; relating to the payment of workers' compensation death benefits for an employee without a surviving spouse or child; relating to notice of workers' compensation death benefits; and providing for an effective date."

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

Do pass (2): Josephson, Kito

Do not pass (3): Sullivan-Leonard, Birch, Knopp

No recommendation (1): Wool

The following fiscal note(s) apply to CSHB 38(L&C):

1. Zero, Dept. of Labor & Workforce Development
2. Fiscal, Dept. of Administration

HB 38 was referred to the Finance Committee.

**HB 124**

The Labor & Commerce Committee considered:

HOUSE BILL NO. 124

"An Act relating to corporations, including benefit corporations, and other entities; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 124(L&C)  
(same title)

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

Do pass (1): Kito

No recommendation (5): Sullivan-Leonard, Wool, Josephson, Birch, Knopp

The following fiscal note(s) apply to CSHB 124(L&C):

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

HB 124 was referred to the Finance Committee.

**UNFINISHED BUSINESS**

**HB 223**

Representative Claman, Chair of the Judiciary Committee, moved and asked unanimous consent that the five-day notice requirement in Rule 23(a) of the Uniform Rules be waived so the Judiciary Committee may hear the following on April 12:

## HOUSE BILL NO. 223

"An Act relating to municipal penalties for violation of a municipal ordinance when there is a comparable state crime; and providing for an effective date."

Representative Millett objected.

The question being: "Shall the House waive Rule 23(a) of the Uniform Rules?" The roll was taken with the following result:

## HB 223

Waive Rule 23(a) of the Uniform Rules

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

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

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

And so, the motion passed.

**CONCUR IN SENATE AMENDMENTS****HB 57**

Representative Tuck moved and asked unanimous consent that the House consider the Senate message (page 880) on the following:

CS FOR HOUSE BILL NO. 57(FIN) am(brf sup maj fld)(efd fld)  
"An Act making appropriations for the operating and loan program expenses of state government and for certain programs; capitalizing funds; repealing appropriations; and making supplemental appropriations and reappropriations."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 57(FIN) am S  
"An Act making appropriations for the operating and loan program expenses of state government and for certain programs;

capitalizing funds; repealing appropriations; making supplemental appropriations and reappropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

(technical title change)

There being no objection, it was so ordered.

Representative Tuck moved that the House concur in the Senate amendment and recommended that the members vote no.

The question being: "Shall the House concur in the Senate amendment, thus adopting SCS CSHB 57(FIN) am S?" The roll was taken with the following result:

SCS CSHB 57(FIN) am S

Concur

**YEAS: 10 NAYS: 30 EXCUSED: 0 ABSENT: 0**

Yeas: Birch, Chenault, Johnston, Knopp, Millett, Pruitt, Saddler, Talerico, Thompson, Wilson

Nays: Claman, Drummond, Eastman, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnson, Josephson, Kawasaki, Kito, Kopp, Kreiss-Tomkins, LeDoux, Neuman, Ortiz, Parish, Rauscher, Reinbold, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Tarr, Tilton, Tuck, Westlake, Wool

And so, the House failed to concur in the Senate amendment.

The Chief Clerk notified the Senate and respectfully requested it to recede.

#### **INTRODUCTION OF CITATIONS**

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

Honoring - Laile Fairbairn  
By Representatives Claman, Gara

Honoring - East High School T-Birds, 2016 4A Football State  
Champions  
By Representatives Pruitt, Spohnholz

Honoring - Traditional First Chief Fred Ewan on the Occasion of His  
100th Birthday  
By Senator Bishop

Honoring - Alaska Legal Services Corporation, 50th Anniversary  
By Senators Gardner, Costello

Honoring - East Anchorage High School Boys Varsity Basketball  
Team  
By Senator Wielechowski; Representative Spohnholz

Honoring - Mountain Village Community Health Aides  
By Senator Olson; Representative Foster

In Memoriam - Randi Binion-Olson  
By Senator Gardner

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

##### **HB 225**

HOUSE BILL NO. 225 by Representatives Johnston by request and  
Claman, entitled:

"An Act relating to municipal liens."

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

#### **CONSIDERATION OF THE DAILY CALENDAR**

##### **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 - Mariajose Echeverria Stewart

By Representatives Grenn, Edgmon, Birch, Chenault, Claman, Drummond, Eastman, Fansler, Foster, Gara, 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

Honoring - The Arc of Anchorage, 60th Anniversary

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

Honoring - Prudhoe Bay Oilfield, 40th Anniversary

By Representatives Westlake, Edgmon, Birch, Chenault, Claman, Drummond, Eastman, Fansler, Foster, 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, Wilson, Wool

Honoring - Yeti Dogs, 2016 Hot Dog Vendor of the Year

By Representatives Grenn, Tuck, Edgmon, Birch, Chenault, Claman, Drummond, Eastman, Fansler, Foster, Gara, 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, Westlake, Wilson, Wool

Honoring - Juneau Raiders Youth Football Team, 2016 National Champions

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

In Memoriam - Anna Belle Bohall

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

In Memoriam - Jane Loretta Schlosser

By Representatives Grenn, Edgmon, Birch, Chenault, Claman, Drummond, Eastman, Fansler, Foster, Gara, 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 Costello

In Memoriam - Donna Hobson

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

#### **UNFINISHED BUSINESS**

The Speaker made the following appointment:

Alaska Water and Sewer Advisory Committee  
(Chapter No. 48, SLA 2016)  
Representative Fansler

#### **RECONSIDERATION**

##### **HB 111**

Representative Millett brought up reconsideration of the vote on CSHB 111(FIN)(efd fld) (page 1028).

Representative LeDoux placed a call of the House.

The Speaker stated the call was satisfied.

The following was before the House in third reading:

CS FOR HOUSE BILL NO. 111(FIN)

"An Act relating to the oil and gas production tax, tax payments, and credits; relating to interest applicable to delinquent oil and gas production tax; relating to carried-forward lease expenditures based on losses and limiting those lease expenditures to an amount equal to the gross value at the point of production of oil and gas produced from the lease or property where the lease expenditure was incurred; relating to information concerning tax credits, lease expenditures, and oil and gas taxes; relating to the disclosure of that information to the public; relating to an adjustment in the gross value at the point of production; relating to a legislative working group; and providing for an effective date."

The question to be reconsidered: "Shall CSHB 111(FIN) pass the House?" The roll was taken with the following result:

CSHB 111(FIN)

Third Reading

Final Passage

Reconsideration

**YEAS: 21 NAYS: 19 EXCUSED: 0 ABSENT: 0**

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

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

Stutes changed from "Nay" to "Yea".

Sullivan-Leonard changed from "Yea" to "Nay".

And so, CSHB 111(FIN) passed the House on reconsideration.

Representative Tuck moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSHB 111(FIN)

Third Reading

Effective Date

Reconsideration

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

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

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

And so, lacking the required 27 votes, the effective date clause was not adopted, and the new title follows:

CS FOR HOUSE BILL NO. 111(FIN)(efd fld)

"An Act relating to the oil and gas production tax, tax payments, and credits; relating to interest applicable to delinquent oil and gas production tax; relating to carried-forward lease expenditures based on losses and limiting those lease expenditures to an amount equal to the gross value at the point of production of oil and gas produced from the lease or property where the lease expenditure was incurred; relating to information concerning tax credits, lease expenditures, and oil and gas taxes; relating to the disclosure of that information to the public; relating to an adjustment in the gross value at the point of production; and relating to a legislative working group."

CSHB 111(FIN)(efd fld) was referred to the Chief Clerk for engrossment.

#### **SENSE OF THE HOUSE**

The following Sense of the House was offered by Representatives Rauscher and Eastman:

"It is the sense of the House that, in accordance with *Mason's Manual of Legislative Procedure*:

'It is not the right of the presiding officer to rule upon the constitutionality of bills, because that authority belongs to the house.' (*Mason's Manual Sec. 578.6*), and further that,

'It is not the presiding officer's right to rule upon the constitutionality or legal effect or expediency of a proposed bill, since that authority belongs to the house.' (*Mason's Manual Sec. 242.1*), and further that,

If an amendment is clearly not germane to a measure, it may, under Uniform Rule 35, be ruled out of order, however, "The presiding officer should never rule an amendment out of order unless certain that it is. In case of doubt the presiding officer should entertain the amendment, subject to the right of a member to raise a point of order, or the presiding officer should submit to the house the question of whether the amendment is in order.' (*Mason's Manual Sec. 401.5*)"

Representative Rauscher moved that the Sense of the House be adopted.

There was objection.

Representative LeDoux moved to table the Sense of the House.

The question being: "Shall the Sense of the House be tabled?" The roll was taken with the following result:

Sense of the House

Table

**YEAS: 24 NAYS: 16 EXCUSED: 0 ABSENT: 0**

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

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

And so, the motion passed, and the Sense of the House was tabled.

**UNFINISHED BUSINESS****HB 214**

Representatives Grenn and Kito added as cosponsors to:

## HOUSE BILL NO. 214

"An Act renaming a portion of the Alaska Safe Children's Act as Bree's Law; relating to Bree's Law programs and Bree's Law activities; relating to dating violence and abuse policy, training, awareness, prevention, and notices; and providing for an effective date."

**SB 6**

Representative Kito added as a cross sponsor to:

## CS FOR SENATE BILL NO. 6(JUD)

"An Act relating to the regulation and production of industrial hemp; relating to industrial hemp pilot programs; providing that industrial hemp is not included in the definition of 'marijuana'; and clarifying that adding industrial hemp to food does not create an adulterated food product."

**SB 28**

Representative Kito added as a cross sponsor to:

## SENATE BILL NO. 28

"An Act relating to the general grant land entitlement for the Petersburg Borough; and providing for an effective date."

**ENGROSSMENT****HB 111**

CSHB 111(FIN)(efd fld) 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.

HOUSE JOURNAL

1050

April 11, 2017

The following meetings today were changed:

House Special Committee on Arctic Policy, Economic Development,  
& Tourism

CHANGED TO: 30 min. after adjournment

State Affairs Committee

LOCATION CHANGED TO: 5:30 p.m., Capitol 124

**ADJOURNMENT**

Representative Stutes, Acting Majority Leader, moved and asked unanimous consent that the House adjourn until 10:30 a.m., April 12. There being no objection, the House adjourned at 12:59 p.m.

Crystaline Jones  
Chief Clerk