

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTIETH LEGISLATURE
THIRD SPECIAL SESSION

Juneau, Alaska

Thursday

July 27, 2017

First Day

Pursuant to a poll of the legislature resulting in an affirmative vote of more than two-thirds of the membership calling themselves into special session, the House was called to order by Speaker Edgmon at 11:12 a.m.

Roll call showed 40 members present.

SB 23

Representative Tuck moved and asked unanimous consent that the legislature call itself into the third special session July 27 to consider SB 23 - APPROP: CAPITAL BUDGET.

There was objection.

The question being: "Shall the legislature call itself into the third special session July 27 to consider SB 23?" The roll was taken with the following result:

Shall the legislature call itself into the
Third Special Session July 27 to consider SB 23

YEAS: 38 NAYS: 2 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, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

Nays: Eastman, Reinbold

And so, the motion passed.

The Chief Clerk notified the Senate.

A message dated July 27 was sent to the Chief Clerk from Speaker Edgmon and President Kelly:

Pursuant to Article II, Section 9, of the Constitution of the State of Alaska and AS 24.05.100(a)(2), the presiding officers of the House of Representatives and the Senate announce that between July 19 and July 21 they polled the membership of each house as to whether a special session of the Thirtieth Alaska State Legislature should be held in Juneau on July 27 to consider the capital budget. More than two-thirds of the membership responded in the affirmative. The question asked of the members follows:

Alaska State Legislature Special Session Poll

"Shall the legislature, pursuant to AS 24.05.100(a)(2) and Article II, Section 9 of the Constitution of the State of Alaska call itself into a special session to convene at 11:00 a.m. on July 27 in the Capitol in a Special Session to consider SB 23, the capital budget?"

SENATE: YEAS: 20 NAYS: 0

* * * * *

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

With deepest respect for all religions and beliefs I offer these words from 2 Timothy. May we take solace in them.

For God hath not given us the spirit of fear; but of power, and of love, and of a sound mind. Amen.

The Pledge of Allegiance was led by Representative Seaton.

CERTIFICATION OF THE JOURNAL

Representative Tuck moved and asked unanimous consent that the journal for the 30th legislative day of the second special session and House Journal Supplement No. 8 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

SPECIAL ORDER OF BUSINESS

Representative Tuck moved and asked unanimous consent that the notice and publication requirements be waived and the first special order citation calendar 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 first special order citation calendar. There being no objection, the following citation was approved and sent to enrolling:

In Memoriam - Richard Benavides

By Senators Begich, Costello; Representatives 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, Westlake, Wilson, Wool

MESSAGES FROM THE GOVERNOR

HB 159

A message dated July 25 was read stating the Governor signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 159(FIN)

"An Act relating to the prescription of opioids; relating to voluntary nonopioid directives; relating to the controlled substance prescription database; relating to the practice of

dentistry; relating to the practice of pharmacy; 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; relating to the duties of the Board of Pharmacy; relating to pharmacists; relating to the definition of 'practitioner'; providing for an effective date by repealing the effective date of sec. 73, ch. 25, SLA 2016; and providing for an effective date."

Chapter No. 2, SSSLA 2017
Effective Date: See Chapter

The Speaker stated that, without objection, the House would recess to a call of the Chair; and so, the House recessed at 11:22 a.m.

AFTER RECESS

The Speaker called the House back to order at 11:48 a.m.

MESSAGES FROM THE SENATE

A message dated July 27 was read stating the Senate passed the following, and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SCR 301

SENATE CONCURRENT RESOLUTION NO. 301 by the Senate Rules Committee:

Suspending Rules 47 and 55, Uniform Rules of the Alaska State Legislature, relating to the carry-over of bills from the First Regular Session and the First Special Session to the Third Special Session, concerning Senate Bill No. 23.

was read the first time and taken up as a Special Order of Business.

SPECIAL ORDER OF BUSINESS**SCR 301**

Representative Tuck moved and asked unanimous consent that SCR 301 be taken up as a Special Order of Business.

Representative Eastman objected.

The question being: "Shall SCR 301 be taken up as a Special Order of Business?" The roll was taken with the following result:

SCR 301

Take up

Special Order of Business

YEAS: 34 NAYS: 6 EXCUSED: 0 ABSENT: 0

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

Nays: Eastman, Johnson, Rauscher, Reinbold, Tilton, Wilson

And so, the motion passed.

The question being: "Shall SCR 301 pass the House?" The roll was taken with the following result:

SCR 301

Special Order of Business

YEAS: 35 NAYS: 4 EXCUSED: 0 ABSENT: 1

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

Nays: Eastman, Reinbold, Tilton, Wilson

Absent: Kreiss-Tomkins

And so, SCR 301 passed the House, was signed by the Speaker and Chief Clerk, and returned to the Senate.

MESSAGES FROM THE SENATE**SB 23**

A message dated July 27 was read stating the Senate failed to concur in the House amendment to:

CS FOR SENATE BILL NO. 23(FIN) am

"An Act making appropriations, including capital appropriations, supplemental appropriations, reappropriations, and other appropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date."

namely:

HOUSE CS FOR CS FOR SENATE BILL NO. 23(FIN) am H(brf sup maj fld H)(efd fld H)

"An Act making appropriations, including capital appropriations, supplemental appropriations, reappropriations, and other appropriations; amending appropriations; and making appropriations to capitalize funds."

(technical title change)

and respectfully requests the House to recede from its amendment.

In the event the House fails to recede, the President appointed the following members to a Conference Committee to meet with a like committee from the House to consider the bills:

Senator MacKinnon, Chair
Senator Hoffman
Senator Olson

The Senate also waived Uniform Rule 42(a) and 42(b) to allow President Kelly to grant powers of free conference to the Senate conferees. President Kelly then granted powers of free conference to the Senate conferees considering the bills.

RECEDE**SB 23**

Representative Tuck moved and asked unanimous consent that the House consider the Senate message. There being no objection, it was so ordered.

Representative Tuck moved that the House recede from its amendment, namely HCS CSSB 23(FIN) am H(brf sup maj fld H)(efd fld H), and recommended that the members vote no.

The question being: "Shall the House recede from its amendment?"
The roll was taken with the following result:

HCS CSSB 23(FIN) am H(brf sup maj fld H)(efd fld H)
Recede

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

Yeas: Reinbold, Sullivan-Leonard

Nays: 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, Saddler, Seaton, Spohnholz, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Westlake, Wilson, Wool

And so, the House failed to recede.

Representative Tuck moved that the House waive Uniform Rule 42(a) and (b) to allow the appointment of a Free Conference Committee to meet with a like committee from the Senate. There being no objection, it was so ordered.

The Speaker appointed the following members to a Free Conference Committee to meet with a like committee from the Senate to consider the above bills:

Representative Foster, Chair
Representative Seaton
Representative Pruitt

The Chief Clerk notified the Senate.

MESSAGES FROM THE SENATE**HB 111**

A message dated July 15 was received stating the President granted limited powers of free conference to the Senate conferees considering: SCS CSHB 111(FIN) and CSHB 111(FIN)(efd fld) on the following specific points:

Sections 1, 2, 3, 16, 26, 27, 29, 30, 36, 37 (House)

Sections 1, 4, 5, 6, 7, 14, 17, 18, 20, 24, 27, 30, 33, 38, 39-43 (Senate)

The Senate suspended Uniform Rule 42(a) and 42(b) to allow for free conference powers on the following specific points:

Addition of transition language relating to tax credits eligible for purchase by the state during calendar year 2017.

The President granted powers of free conference to the Senate conferees concerning the conference committee report on HB 111.

The Senate then adopted the report of the Conference Committee with limited powers and powers of free conference, thus adopting:

CONFERENCE CS FOR HOUSE BILL NO. 111

"An Act relating to credits against the oil and gas production tax; relating to the applicability of certain credits earned under the oil and gas production tax to the tax on corporations; relating to tax credit certificates against the oil and gas production tax and the issuance and assignment of those certificates; relating to interest applicable to delinquent taxes; relating to lease expenditures; relating to the oil and gas tax credit fund; relating to a legislative working group; and providing for an effective date."

(SCR 12 – title change resolution)

The House adopted the report (page 1762).

SB 23

A message dated July 15 was received stating that pursuant to AS 24.05.100 seventeen Senators voted affirmatively to convene a Third Special Session specially for the purpose of considering the following:

HOUSE CS FOR CS FOR SENATE BILL NO. 23(FIN) am H(brf sup maj fld H)(efd fld H)

"An Act making appropriations, including capital appropriations, supplemental appropriations, reappropriations, and other appropriations; amending appropriations; and making appropriations to capitalize funds."

COMMUNICATIONS

The following was received:

Alaska Industrial Development & Export Authority
Interior Energy Project
Quarterly Report to the Alaska State Legislature
July 15, 2017
<http://www.interiorenergyproject.com/>
(as required by Chapter No. 39, SLA 2015)

The Speaker stated that, without objection, the House would recess to a call of the Chair; and so, the House recessed at 12:25 p.m.

AFTER RECESS

The Speaker called the House back to order at 2:35 p.m.

REPORTS OF SPECIAL COMMITTEES

SB 23

The Free Conference Committee considering HCS CSSB 23(FIN) am H(brf sup maj fld H)(efd fld H) and CSSB 23(FIN) am recommends the following be adopted:

FREE CONFERENCE CS FOR SENATE BILL NO. 23

"An Act making appropriations, including capital appropriations, supplemental appropriations, reappropriations, and other appropriations; amending appropriations; making appropriations to capitalize funds; and providing for an effective date."

The report was signed by Representatives Foster (Chair), Seaton, Pruitt; and Senators MacKinnon (Chair), Hoffman, Olson.

The report was received in the Chief Clerk's office at 1:55 p.m.

Representative Tuck moved that the House waive Uniform Rule 42(c) to allow a vote on a Free Conference Committee within 24 hours of being distributed and to include an item not included in either version of SB 23.

Representative Reinbold objected.

The question being: "Shall the House waive Uniform Rule 42(c)?"
The roll was taken with the following result:

FCCS SB 23

Waive Uniform Rule 42(c)

YEAS: 33 NAYS: 7 EXCUSED: 0 ABSENT: 0

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

Nays: Eastman, Johnson, Neuman, Rauscher, Reinbold, Tilton, Wilson

Neuman changed from "Yea" to "Nay".

And so, Uniform Rule 42(c) was waived.

Representative Tuck moved and asked unanimous consent that the House consider the Free Conference Committee report. There being no objection, it was so ordered.

Representative Tuck moved that the House adopt the Free Conference Committee report, thus adopting FCCS SB 23.

The question being: "Shall the House adopt the report?" The roll was taken with the following result:

FCCS SB 23

Adopt

YEAS: 27 NAYS: 13 EXCUSED: 0 ABSENT: 0

Yeas: Birch, Chenault, Claman, Drummond, Edgmon, Fansler, Foster, Gara, Grenn, Guttenberg, Johnston, Josephson, Kawasaki, Kito, Knopp, Kopp, Kreiss-Tomkins, Millett, Ortiz, Saddler, Seaton, Spohnholz, Stutes, Talerico, Thompson, Westlake, Wool

Nays: Eastman, Johnson, LeDoux, Neuman, Parish, Pruitt, Rauscher, Reinbold, Sullivan-Leonard, Tarr, Tilton, Tuck, Wilson

And so, the House adopted FCCS SB 23.

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.

Representative Eastman objected.

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

FCCS SB 23
Effective Date

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, the effective date clause was adopted.

The Chief Clerk notified the Senate.

The Senate adopted the Free Conference Committee report July 27.

UNFINISHED BUSINESS

Representative Tuck 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 Claman – from November 9 to November 15

ENGROSSMENT AND ENROLLMENT**HR 201**

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:13 a.m., July 27:

HOUSE RESOLUTION NO. 201

Supporting the ongoing review of and the gathering of information related to the state's oil and gas fiscal policy; and expressing an intention, in a good faith effort with the Senate, to evaluate and act on the recommendations of the oil and gas fiscal policy experts recently retained by the Legislative Budget and Audit Committee.

House Resolve No. 5

HB 111

The following was engrossed and enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:13 a.m., July 27:

CONFERENCE CS FOR HOUSE BILL NO. 111

"An Act relating to credits against the oil and gas production tax; relating to the applicability of certain credits earned under the oil and gas production tax to the tax on corporations; relating to tax credit certificates against the oil and gas production tax and the issuance and assignment of those certificates; relating to interest applicable to delinquent taxes; relating to lease expenditures; relating to the oil and gas tax credit fund; relating to a legislative working group; and providing for an effective date."

The following memorandum dated July 21 was received from Laura Duval, Enrolling Secretary, Division of Legal and Research Services:

"In accordance with Rule 43, Uniform Rules of the Alaska State Legislature, I am reporting the following manifest errors in CCS HB 111, which have been corrected in enrolling:

Page 19, line 28:

Delete "the purpose"
Insert "purposes"

Page 20, line 11, following "structure":

Insert "for"

Page 21, line 1, following "structure":

Insert "for"

Page 23, line 13, following "GAS":

Insert "TAX""

ENROLLMENT

HB 103

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 9:13 a.m., July 17:

CS FOR HOUSE BILL NO. 103(FIN)

"An Act relating to the practice of optometry; and providing for an effective date."

HB 108

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 9:13 a.m., July 17, with a manifest error memorandum (page 1187):

CS FOR HOUSE BILL NO. 108(JUD)

"An Act adopting and relating to the Revised Uniform Fiduciary Access to Digital Assets Act; and relating to a specific electronic communications power that a principal may select for an agent under the statutory form power of attorney."

HB 159

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled

copies were transmitted to the Office of the Governor at 9:13 a.m., July 17, with a manifest error memorandum (page 1705):

SENATE CS FOR CS FOR HOUSE BILL NO. 159(FIN)

"An Act relating to the prescription of opioids; relating to voluntary nonopioid directives; relating to the controlled substance prescription database; relating to the practice of dentistry; relating to the practice of pharmacy; 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; relating to the duties of the Board of Pharmacy; relating to pharmacists; relating to the definition of 'practitioner'; providing for an effective date by repealing the effective date of sec. 73, ch. 25, SLA 2016; and providing for an effective date."

ADJOURNMENT

Representative Grenn moved and asked unanimous consent that the Third Special Session of the House of Representatives of the Thirtieth Legislature adjourn sine die. There being no objection, the House adjourned at 4:36 p.m.

Crystaline Jones
Chief Clerk