

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTIETH LEGISLATURE
SECOND SESSION

Juneau, Alaska

Friday

January 19, 2018

Fourth Day

Pursuant to adjournment the House was called to order by Speaker Edgmon at 11:05 a.m.

Roll call showed 37 members present. There was one vacancy.

Representative Tuck moved and asked unanimous consent that Representatives Chenault and Foster 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 Michael Grubbs of Holy Trinity Episcopal Church. Representative Ortiz 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.

Creator God,
When you speak there is light and life; when you act there is justice and love; when you are remembered there is peace.

Give your blessing to this House of Representatives for Alaska. Grant these women and men the light of wisdom that the exercise of their duties may bring light to the people. Give them courage, wisdom, and foresight to fulfill our obligations; bless them as they act for the common good, and guide them to lead the people to safety on higher ground.

We remember the longing of ages of faith in the words of the Psalms:

Have mercy on me, O God, for my enemies are hounding me; all day long they assault and oppress me. I am bound by the vow I made to you, O God; I will present to you thank-offerings; For you have rescued my soul from death and my feet from stumbling, that I may walk before God in the light of the living. (Psalm 56:1,11,12)

O Lord of hosts, bless our representatives and grant that what is said and what is done here may encourage our people to honor one another, to be a people at peace among ourselves, and a blessing for the future. Amen.

The Pledge of Allegiance was led by Representative Tuck.

CERTIFICATION OF THE JOURNAL

Representative Tuck moved and asked unanimous consent that the journal for the first, second, and third legislative days and House and Senate Joint Journal Supplement No. 13 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated January 16 was received stating the Senate accepted the invitation to meet in joint session in the House Chamber at 7:00 p.m., January 18 to hear Governor Walker's annual State of the State address.

COMMUNICATIONS

The following were received:

Dept. of Administration
State Officers Compensation Commission
Findings and Recommendations
January 17, 2018
(as required by AS 39.23.540)

January 19, 2018

2203

Dept. of Law
Federal Laws and Litigation Report
January 15, 2018
(as required by AS 44.23.020)

Dept. of Natural Resources
Division of Mining, Land and Water
2018 Reports to the Alaska Legislature on:
Identified RS 2477 Rights-of-Way
Availability of the Annual Mining Report
Status of Land Disposal Income Fund
Status of Land in the Land Disposal Bank
Water Removals and Exports
Absence of Any Interim Classifications
(Closing Land to Mineral Entry)
Cooperative Resource Management or Development Agreements
Efforts to Maintain or Enhance Access to and Along Fishing Streams
January 2018
(as required by AS 19.30.400, 27.05.060, 38.04.020, 38.04.022,
46.15.020, 38.05.300, 38.05.027, and 38.04.205, respectively)

Dept. of Natural Resources
Division of Parks and Outdoor Recreation
Disabled Veteran Campsite Permit Report
January 16, 2018
(as required by AS 41.21.026)

Dept. of Natural Resources
Division of Parks and Outdoor Recreation
Incompatible Use in a Park, Area, or Preserve
January 16, 2018
(as required by AS 41.21.020)

Dept. of Revenue
Alaska Marine Highway System Fund
Alaska Marine Highway Vessel Replacement Fund
Investment Earnings Reports
January 16, 2018
(as required by AS 19.65.070 and 37.05.550)

Dept. of Revenue
Treasury Division
Alaska ABLE program
Annual Report
January 16, 2018
(as required by AS 06.65.350)

The following audit reports were received from the Division of Legislative Audit, Legislative Budget & Audit Committee, as required by AS 24.20.311:

Dept. of Commerce, Community, & Economic Development
Alaska Tourism Marketing Board
Sunset Review
November 15, 2017

Dept. of Commerce, Community, & Economic Development
Alcoholic Beverage Control Board
Sunset Review
November 17, 2017

Dept. of Commerce, Community, & Economic Development
Board of Pharmacy
Sunset Review
August 7, 2017

Dept. of Commerce, Community, & Economic Development
Board of Social Work Examiners
Sunset Review
October 24, 2017

INTRODUCTION OF CITATIONS

The following citation was introduced and taken up later as a Special Order of Business:

Honoring - Pam Varni
By Senators Kelly, Egan; Representative Edgmon

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

Honoring - Fairbanks Concert Association 70th Anniversary
By Representatives Kawasaki, Thompson

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS**

HCR 15

HOUSE CONCURRENT RESOLUTION NO. 15 by Representatives
Kawasaki and Johnson:

Relating to awarding the Alaska Decoration of Honor to certain
members of the military.

was read the first time and referred to the House Special Committee on
Military & Veterans' Affairs.

HJR 29

HOUSE JOINT RESOLUTION NO. 29 by Representative Rauscher:

Urging the United States Congress to reauthorize the Secure Rural
Schools and Communities Self-Determination Act of 2000.

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

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

HB 242

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 242 by
Representatives Gara and Drummond, entitled:

"An Act establishing landing fees for the Deadhorse Airport;
establishing an oil and gas company contribution toll for use of
the James Dalton Highway by certain vehicles; and providing for
an effective date."

was read the first time and referred to the Transportation and Finance
Committees.

HB 289

HOUSE BILL NO. 289 by Representative Claman, entitled:

"An Act relating to the fees that may be charged by a consumer credit reporting agency; and relating to the placement of a security freeze on a credit report."

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

HB 290

HOUSE BILL NO. 290 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the membership of the Alaska Criminal Justice Commission; and providing for an effective date."

was read the first time and referred to the Health & Social Services and Judiciary Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

The Governor's transmittal letter dated January 17 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to the Alaska Criminal Justice Commission membership.

The Alaska Criminal Justice Commission was established to evaluate a broad spectrum of criminal justice subjects including sentencing and criminal justice practices, the rights of victims and of the accused, restitution, and reformation. The Commission's membership includes voices from the Alaska Native community, the judicial system, municipal law enforcement, victim's rights advocates and legislators (in a nonvoting, ex officio capacity) and many other perspectives.

Chapter One, 4SSLA 2017, added the Commissioner of the Department of Health and Social Services (DHSS), or the Commissioner's designee, to the Alaska Criminal Justice Commission as a nonvoting member serving ex officio. Because the Commissioner of DHSS oversees the Division of Juvenile Justice and the Division of Behavioral Health, their membership ought to include voting authority. This bill would change the Commissioner of DHSS, or the Commissioner's designee, from a nonvoting member to a voting member. Adjusting this Commissioner's membership to include voting authority will bring a juvenile justice and behavioral health perspective to the Commission's important work. Further, the DHSS Commissioner will bring needed input to help better integrate DHSS programming into the overall adult and juvenile criminal justice reform efforts.

This bill would also add as a member a resident of the state who was the victim of a felony crime. This addition will bring the needed perspective of victims to the Commission's evaluations of criminal justice subjects.

Furthermore, this will return to having an odd number of Commissioners for voting purposes which was the case prior to the enactment of Chapter One, 4SSLA 2017.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker
Governor"

HB 291

HOUSE BILL NO. 291 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to scheduled substances; relating to the Controlled Substances Advisory Committee; and authorizing the attorney general to schedule substances by emergency regulation."

was read the first time and referred to the Judiciary and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Corrections
2. Zero, Dept. of Health & Social Services
3. Zero, Dept. of Law
4. Zero, Dept. of Public Safety

The Governor's transmittal letter dated January 17 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill allowing the Attorney General to schedule controlled substances by regulation on an emergency basis.

Currently, State law requires the Legislature to pass legislation before a substance can be added to the list of controlled substances in Alaska. This process takes time, often years, and even once a bill is passed, drug traffickers often stay one step ahead of the law by simply changing a chemical component of a drug so it is no longer considered a controlled substance.

In recent years, this has become a significant problem for substances such as spice and other synthetic opioids. For example, tramadol has an opioid-like effect on the body. This drug is on the federal controlled substances list, but was not a controlled substance in Alaska until recently, through inclusion as a schedule IVA controlled substance through Section Two, Chapter One, 4SSLA 2017. Tramadol pills sell for approximately five to ten dollars per pill in Alaska depending on where the pills are sold. School-age children are common abusers of the drug because of the easy acquisition and low cost. Before being scheduled as a controlled substance, State and local authorities could not seize the drug for prosecution without approval from federal authorities. Further, State prosecutors could not prosecute cases of tramadol abuse and federal prosecutors did not have the resources to adequately address those cases.

To avoid a repeat of this situation, this bill would allow the Attorney General to schedule substances by emergency regulation. Before scheduling a substance, the Attorney General would need to assess the

danger of the substance and consult with both the Controlled Substances Advisory Committee and the State's Chief Medical Officer. Additionally, the bill does not impair the ability of the Legislature, through enactment of law, from annulling a regulation, or adding a substance to the controlled substance statutory schedules.

Allowing the Attorney General to schedule these dangerous substances by regulation would make us more agile and responsive when new or altered substances are identified. With this bill, the State would be able to keep up with drug traffickers as they alter these substances and enable the state to prosecute cases involving these new substances. We cannot continue to allow drug traffickers to be one-step ahead of us.

Let us make a Safer and Smarter Alaska. I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker
Governor"

HB 292

HOUSE BILL NO. 292 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to misconduct involving a controlled substance in the second degree; and providing for an effective date."

was read the first time and referred to the Judiciary and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Health & Social Services
3. Zero, Dept. of Law
4. Zero, Dept. of Public Safety
5. Indeterminate, Dept. of Administration
6. Fiscal, Dept. of Corrections

The Governor's transmittal letter dated January 17 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill making large quantity distribution of drugs a class A felony offense punishable by up to 20 years in prison.

In Alaska, heroin and methamphetamine are the most heavily imported controlled substances. National surveys have shown that methamphetamine contributes to violent crime, and heroin is a contributor of property crime. Additionally, according to Alaska's Department of Health and Social Services, between 2009 and 2015 Alaska's heroin deaths have more than quadrupled. Alaska's geographical makeup and strained law enforcement resources have made Alaska a profitable location for drug traffickers. These traffickers are importing large amounts of controlled substances into our state and poisoning Alaskans.

For example, in 2016 the Statewide Drug Enforcement Unit seized 92.5 pounds (approximately 41,968.1 grams) of methamphetamine, and 252.9 pounds (approximately 114,584 grams) of heroin in Alaska. Those trafficking large amounts of drugs are not intermediary users distributing to support their habit. These individuals are typically connected to traffickers from outside of the state, and contribute significantly to Alaska's drug epidemic.

Under current law, a person who distributes 2.5 grams or more of a drug such as methamphetamine, or 1 gram or more of a drug such as heroin, is guilty of a class B felony. If it is the person's first felony offense, they are subject to a presumptive sentencing range of zero to two years, with a maximum possible sentence of 10 years. This has little deterrent effect for those importing large amounts of drugs into the state. Classifying the distribution of large amounts of drugs as a class A felony will allow judges additional discretion to appropriately handle these cases and deter those thinking of importing drugs into the state.

Without a supply we can reduce the demand, and in order to prevent addiction and relapse we must remove the temptation. To create a Safer Alaska, I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker
Governor"

HB 293

HOUSE BILL NO. 293 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to powers of the Alaska Police Standards Council; and relating to background checks for admission to police training programs and certification as a police officer."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Corrections
2. Zero, Dept. of Public Safety

The Governor's transmittal letter dated January 17 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to the Alaska Police Standards Council and national criminal background checks for prospective police officers.

The Alaska Police Standards Council (Council) is within the Department of Public Safety, and is tasked with overseeing professional standards for employment as a police officer and other law enforcement officials. Further, the Council is statutorily authorized to establish police training programs. A person may not be certified as a police officer without going through the required training

and meeting other requirements the Council has established for the employment of police officers.

This bill adds to the Council's powers the ability for the Department of Public Safety to request a national criminal history record check from the Federal Bureau of Investigation for a person who applies to attend a training program established by the Council or who seeks employment as a police officer by an employer that lacks the ability to request a national criminal history record check. This bill would give the Council the ability to assure that only qualified candidates become police officers by making sure that a thorough national background check is completed on all potential police officers. Currently, most employers authorized to submit requests for national criminal background checks from the Federal Bureau of Investigation already do, and would continue to do so. This bill would allow the Council to do the same in the situation where a person is applying to a training program established by the Council or where a potential employer does not have the ability to request a national criminal history record check.

I urge your prompt and favorable action on this bill.

Sincerely,
/s/
Bill Walker
Governor"

HB 294

HOUSE BILL NO. 294 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the surcharge imposed for violation of state or municipal law."

was read the first time and referred to the Judiciary and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Corrections
2. Fiscal, Dept. of Public Safety

The Governor's transmittal letter dated January 17 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to the surcharge imposed on individuals convicted of violations of state or municipal law.

This bill would increase the surcharge fee collected under AS 12.55.039 for conviction of a felony from \$100 to \$200, for conviction of violation of a misdemeanor or municipal law offense from \$75 to \$150, for conviction of violation of a municipal ordinance from \$50 to \$100. For misdemeanor convictions, for which a sentence of incarceration may not be imposed, the surcharge would increase from \$10 to \$20. The Legislature may appropriate money collected from the surcharge fee to the Alaska police training fund (AS 18.65.225). The increased revenue as a result of the increased surcharge fee would, if appropriated by the Legislature, be used to stabilize and enhance public safety by helping fund training for both law enforcement and corrections.

This proposed bill strikes the necessary balance between the need to adequately fund police training programs and the ability of a convicted defendant to pay the surcharge. To create a Safer Alaska we need to ensure our officers are receiving adequate training in order to protect the ones we love.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker

Governor"

HB 295

HOUSE BILL NO. 295 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to pretrial release procedures; amending Rule 41, Alaska Rule of Criminal Procedure; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Dept. of Corrections
2. Zero, Dept. of Law

The Governor's transmittal letter dated January 17 follows:

"Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill that would allow a judicial officer to consider out-of-state criminal history when determining bail and release conditions.

In January of 2018, the "Phase III" of criminal justice reform went into effect. This phase substantially changes the method for determining appropriate bail and release conditions. Under the new system, bail is largely dependent upon a person's charge and risk level, as determined by a pretrial services officer using a risk assessment tool. Persons charged with certain misdemeanors, and who are assessed as low to moderate risk, must be released on their own recognizance or on an unsecured bond. Further, persons charged with certain class C felonies and who are assessed as low risk must also be released on their own recognizance or on an unsecured bond. The judge has no discretion to impose monetary bail in these situations.

Unfortunately, the risk assessment tool does not take into account a person's out-of-state criminal history. Therefore, judges are prohibited from imposing monetary bail for these individuals, regardless of what their out-of-state criminal history looks like. This is problematic given Alaska's transient population, especially in the summer months.

This bill would remove the provisions of law requiring release on a person's own recognizance or an unsecured bond and return discretion if the person has an out-of-state criminal history that has not been used in determining the person's risk level by the risk assessment tool. This will allow a judge to consider a person's full criminal history before making an appropriate release decision both for the offender and the public at-large.

For a Safer Alaska, I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Bill Walker

Governor"

HB 296

HOUSE BILL NO. 296 by Representative Claman, entitled:

"An Act creating the Alaska marijuana use prevention youth services grant program; creating the Alaska marijuana use prevention, education, and treatment fund; relating to the duties of the Alaska Children's Trust Board; creating the marijuana use education and treatment program; and relating to the duties of the Department of Health and Social Services."

was read the first time and referred to the Health & Social Services and Finance Committees.

HB 297

HOUSE BILL NO. 297 by Representative Chenault, entitled:

"An Act relating to forfeiture of bail or bond for failure to appear; and amending Rule 41(h), Alaska Rules of Criminal Procedure."

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

CONSIDERATION OF THE DAILY CALENDAR

LEGISLATIVE CITATIONS

Representative Stutes, Acting Majority Leader, moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

In Memoriam - Ermalee Hickel

By Representatives Claman, Tuck, Edgmon, Birch, Chenault, 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, Wilson, Wool

UNFINISHED BUSINESS

HB 156

Representative Tilton moved and asked unanimous consent to withdraw the following:

HOUSE BILL NO. 156

"An Act relating to a municipal tax exemption or deferral for economic development property."

There being no objection, HB 156 was withdrawn.

SPECIAL ORDER OF BUSINESS

Representative Tuck moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - Pam Varni, 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 - Pam Varni

By Senators Kelly, Egan; Representatives Edgmon, Birch, Chenault, Claman, Drummond, 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, Wilson, Wool

UNFINISHED BUSINESS**HB 63**

Representative Parish removed as a cosponsor to:

HOUSE BILL NO. 63

"An Act transferring duties among departments in the executive branch of state government; relating to the duties of departments and commissioners in the executive branch; relating to the duties of the Office of the Governor; relating to state boards and commissions; and providing for an effective date."

HB 216

Representative LeDoux added as a cosponsor to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 216

"An Act relating to restitution; relating to the office of victims' rights; relating to transfers from the dividend fund; creating the restorative justice account; relating to appropriations from the restorative justice account for services for and payments to crime victims, operating costs of the Violent Crimes Compensation Board, operation of domestic violence and sexual assault programs, mental health services and substance abuse treatment for offenders, and incarceration costs; relating to delinquent minors; and providing for an effective date."

HB 260

Representative Grenn added as a cosponsor to:

HOUSE BILL NO. 260

"An Act relating to electronic possession of certain licenses, tags, and identification cards issued by the Department of Fish and Game; and providing for an effective date."

HB 263

Representatives Seaton and Grenn added as cosponsors to:

HOUSE BILL NO. 263

"An Act exempting certain water taxi operators from regulation as transportation services by the Big Game Commercial Services Board; and providing for an effective date."

HB 270

Representative Grenn added as a cosponsor to:

HOUSE BILL NO. 270

"An Act relating to the powers of the Department of Transportation and Public Facilities; and relating to aircraft registration."

SB 63

Representative Parish added as a cross sponsor to:

CS FOR SENATE BILL NO. 63(FIN)

"An Act prohibiting smoking in certain places; relating to education on the smoking prohibition; and providing for an effective date."

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Tuck moved and asked unanimous consent that the House adjourn until 11:00 a.m., January 22. There being no objection, the House adjourned at 11:46 a.m.

Crystaline Jones
Chief Clerk

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