

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

March 1, 2004

Fiftieth Day

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

Roll call showed 37 members present. Representatives Chenault and Kapsner had been previously excused from a call of the House today. Representative Croft was absent and his presence was noted later.

The invocation was offered by the Chaplain, Pastor Gary Waterhouse of Juneau and Sitka Seventh-day Adventist Churches. Representative Coghill moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Lord, we come to You today as Your servants and as servants of the people of this great state of Alaska.

Today, Lord, we pray that we each work with a humble, kind, and gentle spirit. There is a constant temptation to exalt ourselves, Lord. Help us to put self aside as we work to produce legislation that will stand the test of time. May our work here be to build up and not tear down. Let us weed out of our conversations everything that is harsh or severe. May our motives be pure, Lord, when examined under the microscope.

Lastly, Lord, may we each practice that rule which is called golden - do unto others as we would wish them to do to us. In Thy Name we pray, Amen.

The Pledge of Allegiance was led by Representative Gara.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 46th, 47th, 48th, and 49th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A letter dated February 27, 2004, was received stating that under the authority of article II, section 9 and article III, section 17 of the Alaska Constitution, the Governor withdraws the January 13, 2004, call to convene the first special session of the Twenty-third Alaska State Legislature in Juneau on March 1, 2004 (page 2317).

MESSAGES FROM THE SENATE**HB 374**

A message dated February 27, 2004, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 374(FIN) am

"An Act establishing the senior care program and relating to that program; creating a new fund for the provision of senior services; relating to aid to senior citizens; and providing for an effective date."

CSHB 374(FIN) am was referred to the Chief Clerk for enrollment.

SB 270

A message dated February 27, 2004, was read stating the Senate has concurred in the House amendment to SB 270, thus adopting:

SENATE BILL NO. 270 am H

"An Act establishing November as Avalanche Awareness Month."

A message dated February 27, 2004, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SJR 26**

CS FOR SENATE JOINT RESOLUTION NO. 26(RES) by the Senate Resources Committee:

Requesting the United States Department of the Interior and the United States Department of Justice to appeal the decision of the United States Court of Appeals for the Ninth Circuit in *The Wilderness Society v. United States Fish and Wildlife Service* and to seek an emergency stay of the decision pending an appeal of the decision.

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

REPORTS OF STANDING COMMITTEES**HCR 31**

The Health, Education & Social Services Committee has considered:

HOUSE CONCURRENT RESOLUTION NO. 31
Proclaiming March 2004 as Traumatic Brain Injury Awareness Month.

and recommends it be replaced with:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 31(HES)
Proclaiming April 2004 as Traumatic Brain Injury Awareness Month.

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

Do pass (6): Gatto, Wolf, Coghill, Seaton, Cissna, Wilson

The following fiscal note(s) apply to CSHCR 31(HES):

1. Zero, Dept. of Health & Social Services

HCR 31 was referred to the Rules Committee for placement on the calendar.

HB 213

The Finance Committee has considered:

HOUSE BILL NO. 213

"An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 213(FIN)
(same title)

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

Do pass (6): Meyer, Hawker, Joule, Croft, Foster, Williams

No recommendation (1): Stoltze

The following fiscal note(s) apply to CSHB 213(FIN):

1. Fiscal, Dept. of Administration

HB 213 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Croft was noted.

HB 327

The Transportation Committee has considered:

HOUSE BILL NO. 327

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 327(TRA)

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; relating to a long-range program for highway construction and maintenance; repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date."

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

Do pass (4): Masek, Ogg, Stepovich, Holm

The following fiscal note(s) apply to CSHB 327(TRA):

1. Zero, Dept. of Public Safety
2. Zero, Dept. of Transportation & Public Facilities

HB 327 was referred to the State Affairs Committee.

HB 351

The State Affairs Committee has considered:

HOUSE BILL NO. 351

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 351(STA)
(same title)

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

Do pass (3): Gruenberg, Seaton, Lynn

Do not pass (1): Coghill

No recommendation (3): Holm, Berkowitz, Weyhrauch

The following fiscal note(s) apply to CSHB 351(STA):

1. Zero, House Labor & Commerce Committee/Dept. of Health & Social Services
2. Zero, Dept. of Law
3. Zero, Dept. of Public Safety

HB 351 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

Honoring - The Conference of Alaskans
By Representative Guttenberg

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 526

HOUSE BILL NO. 526 by the House Transportation Committee, entitled:

"An Act relating to a transportation corridor for extension of the Alaska Railroad to Canada and to extension of the Alaska Railroad to connect with the North American railroad system."

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

HB 527

HOUSE BILL NO. 527 by the House State Affairs Committee, entitled:

"An Act relating to the Alaska Securities Act, including reports, proxies, consents, authorizations, proxy statements, and other materials, civil penalties, refunds of proceeds from violations, restitution, and investment adviser representatives; and providing for an effective date."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 15

The following was read the second time:

HOUSE BILL NO. 15

"An Act relating to establishing the Alaska No-Call List, a data base of residential telephone customers who do not wish to receive telephonic solicitations; providing that the data base be compiled at no cost to the customers; requiring paid telephonic sellers to purchase the data base; requiring telephonic sellers to identify themselves; requiring telephonic solicitors who are otherwise exempt from registration as telephonic solicitors to file with the Department of Law and purchase the data base; and providing for an effective date."

with the:

Journal Page

L&C RPT CS(L&C) NT 3DP 4AM	166
FN1: ZERO(CED)	167
FN2: (LAW)	167
STA RPT CS(STA) NT 3DP 4NR	631
FN1: ZERO(CED)	632
FN2: (LAW)	632
FN3: (LAW)	632
FIN RPT CS(FIN) NT 7DP 3NR	2709
FN4: ZERO(CED)	2709
FN5: (LAW)	2709

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 15(FIN)

"An Act relating to fair trade practices and consumer protection, to telephone solicitations, to charitable solicitations; and providing for an effective date."

There being no objection, it was so ordered.

The Speaker stated that, without objection, CSHB 15(FIN) would be held in second reading to the March 3, 2004, calendar.

HB 349

The following was read the second time:

HOUSE BILL NO. 349

"An Act amending Rule 412, Alaska Rules of Evidence."

with the:	Journal Page
JUD RPT CS(JUD) 3DP 1NR	2641
FN1: ZERO(LAW)	2641
FN2: ZERO(ADM)	2668

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 349(JUD)

(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Samuels:

Page 2, lines 1 and 12, following "defendant":
Insert "in the case"

Representative Samuels 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.

Representative Coghill moved and asked unanimous consent that CSHB 349(JUD) am be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

CSHB 349(JUD) am will advance to third reading on the March 3, 2004, calendar.

HB 357

The following was read the second time:

HOUSE BILL NO. 357

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

with the:

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JUD RPT CS(JUD) 3DP 1NR	2565
FN1: INDETERMINATE(ADM)	2566
FN2: INDETERMINATE(LAW)	2566
FIN RPT CS(JUD) 10DP	2739
FN1: INDETERMINATE(ADM)	2739
FN2: INDETERMINATE(LAW)	2739

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 357(JUD)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 357(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 357(JUD) was read the third time.

The question being: "Shall CSHB 357(JUD) pass the House?" The roll was taken with the following result:

CSHB 357(JUD)

Third Reading

Final Passage

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

Yeas: Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Chenault, Kapsner

And so, CSHB 357(JUD) passed the House.

Representative Coghill 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 357(JUD) was referred to the Chief Clerk for engrossment.

HB 513

The following was read the second time:

HOUSE BILL NO. 513

"An Act relating to the enforcement of support orders through suspension of drivers' licenses; changing the name of the child support enforcement agency to the child support services agency; amending Rules 90.3 and 90.5, Alaska Rules of Civil Procedure; and providing for an effective date."

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with the:

Journal Page

JUD RPT 5DP 2NR	2711
FN1: ZERO(CRT)	2711
FN2: ZERO(REV)	2711

Representative Coghill moved and asked unanimous consent that HB 513 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 513 was read the third time.

The question being: "Shall HB 513 pass the House?" The roll was taken with the following result:

HB 513
Third Reading
Final Passage

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

Yeas: Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Chenault, Kapsner

And so, HB 513 passed the House.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the court rule changes. There being no objection, it was so ordered.

Representative Coghill 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.

HB 513 was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS**HB 351**

The Speaker added a Judiciary Committee referral for the following:

HOUSE BILL NO. 351

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

HB 351 was removed from the Rules Committee and referred to the Judiciary Committee.

HB 15

Representatives Kookesh and Guttenberg added their names as cosponsors to:

CS FOR HOUSE BILL NO. 15(FIN)

"An Act relating to fair trade practices and consumer protection, to telephone solicitations, to charitable solicitations; and providing for an effective date."

HB 350

Representative McGuire added her name as cosponsor to:

HOUSE BILL NO. 350

"An Act relating to adding personal injury, death, and property damage from arson in the first degree to the offenses compensable by the Violent Crimes Compensation Board."

HB 357

Representatives Croft, Masek, and Lynn added their names as cosponsors to:

CS FOR HOUSE BILL NO. 357(JUD)

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

HB 513

Representative Dahlstrom added her name as cosponsor to:

HOUSE BILL NO. 513

"An Act relating to the enforcement of support orders through suspension of drivers' licenses; changing the name of the child support enforcement agency to the child support services agency; amending Rules 90.3 and 90.5, Alaska Rules of Civil Procedure; and providing for an effective date."

ENGROSSMENT**HB 357**

CSHB 357(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 513

HB 513 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT**HB 304**

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 2:22 p.m., February 27, 2004:

HOUSE BILL NO. 304

"An Act naming the Jack Coghill Bridge to the Interior."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 3, 2004. There being no objection, the House adjourned at 11:52 a.m.

Suzi Lowell
Chief Clerk