

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

April 27, 2004

One Hundred Seventh Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:29 a.m.

Roll call showed 36 members present. Representatives Berkowitz, Moses, and Wilson were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Kapsner be excused from a call of the House from today to 4:00 p.m., plane time, April 30, 2004. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Elizabeth Schelle of the Christian Science Church. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Let us pray.

"A brother offended is harder to be won than a strong city:
and their contentions are like the bars of a castle."

Proverbs 18:19

Heavenly Father, in these challenging times for our state, our nation, and our world, help us to consider more fervently than ever before the profound truth of our brotherhood as Your children. Help us to love one another as You have commanded us. Help us to listen for Your guiding ideas as they come to light through the inspiration of our brothers and sisters. Help us to humbly seek Your wisdom and strive to manifest Your justice, Your abundance, Your compassion, and Your patience. Let us look for the highest good, the

greatest benefit, the truest principle. Give us Your grace as we go through this day and let us choose to live with the expectation of harmony, progress, and the fellowship of the children of God. Amen.

The Pledge of Allegiance was led by Representative Kookesh.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 106th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HB 375

A message dated April 26, 2004, was read stating that in the event a conference committee is required for CSHB 375(FIN) am and:

SENATE CS FOR CS FOR HOUSE BILL NO. 375(FIN) am
S(brf sup maj fld S)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

the President has appointed the following members to a conference committee to meet with a like committee from the House to consider the bills:

Senator Green
Senator Wilken
Senator Hoffman

CSHB 375(FIN) am is under Unfinished Business.

HB 377

A message dated April 26, 2004, was read stating that in the event a conference committee is required for CSHB 377(FIN) and:

SENATE CS FOR CS FOR HOUSE BILL NO. 377(FIN)

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

the President has appointed the following members to a conference committee to meet with a like committee from the House to consider the bills:

Senator Green
Senator Wilken
Senator Hoffman

CSHB 377(FIN) is under Unfinished Business.

**The presence of Representative Berkowitz was noted.

COMMUNICATIONS

The following were received:

Dept. of Community & Economic Development
Division of Banking, Securities, and Corporations
Alaska Growth Capital BIDCO, Inc.
Economic Development Effect
April 13, 2004
(as required by AS 10.13.590)

Dept. of Fish & Game
Division of Commercial Fisheries
Alaska Salmon Enhancement Program
2003 Annual Report
March 2004
(as required by AS 16.05.092)

REPORTS OF STANDING COMMITTEES**SJR 14**

The Community & Regional Affairs Committee has considered:

SENATE JOINT RESOLUTION NO. 14

Requesting the Federal Aviation Administration to fully staff and maintain flight service stations in Alaska.

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

Do pass (5): Anderson, Samuels, Wolf, Kookesh, Morgan

The following fiscal note(s) apply:

2. Zero, Senate Rules Committee/Dept. of Transportation & Public Facilities

SJR 14 was referred to the Rules Committee for placement on the calendar.

SJR 25

The Community & Regional Affairs Committee has considered:

SENATE JOINT RESOLUTION NO. 25

Recommending that certain federal funding restrictions be eased so that more villages in Alaska would qualify for assistance relating to flooding and erosion.

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

Do pass (5): Anderson, Samuels, Wolf, Kookesh, Morgan

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

SJR 25 was referred to the State Affairs Committee.

**The presence of Representative Wilson was noted.

SB 227

The Community & Regional Affairs Committee has considered:

CS FOR SENATE BILL NO. 227(STA) am
"An Act relating to municipal runoff elections and to municipal
initiative and referendum elections."

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

Do pass (1): Anderson

No recommendation (4): Samuels, Wolf, Kookesh, Morgan

Amend (1): Cissna

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

CSSB 227(STA) am was referred to the State Affairs Committee.

SB 351

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 351(FIN)
"An Act requiring the Alaska Public Offices Commission to
accept documents by nonelectronic means, and specifying the
manner of preparing the forms that are provided by the
commission."

and recommends it be replaced with:

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

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

Do pass (2): Gruenberg, Weyhrauch

Do not pass (2): Seaton, Lynn

No recommendation (1): Holm

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

1. Indeterminate, Dept. of Administration

CSSB 351(FIN) was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES

SB 283

The Conference Committee with limited powers of free conference considering:

CS FOR SENATE BILL NO. 283(FIN) am H

"An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2004; making an appropriation for investment management fees for the constitutional budget reserve fund for fiscal year 2005; making appropriations to the Department of Education and Early Development for K-12 educational programs; making appropriations to the University of Alaska and the Alaska Court System; making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2004 into the constitutional budget reserve fund; making an appropriation of the amount necessary to balance revenue and general fund appropriations for fiscal years 2004 and 2005; making appropriations for power cost equalization and for grants to municipalities, unincorporated communities, and designated recipients; 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."

and

CS FOR SENATE BILL NO. 283(FIN)

"An Act making an appropriation to reverse the deposit of money available for appropriation in the general fund at the end of fiscal year 2003 into the constitutional budget reserve fund; making an appropriation for investment management fees for the constitutional budget reserve fund; 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."

did not come to agreement on Sections 3-9 of CSSB 283(FIN) am H and respectfully requests that a Free Conference Committee be appointed.

The report was signed by Representatives Harris (Chair), Coghill, Kerttula; and Senators Ben Stevens (Chair), Green, Elton.

INTRODUCTION OF CITATIONS

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

Honoring - Mary Pat Wyatt
By Representatives Kerttula, Weyhrauch; Senator Elton

Honoring - Alaska Young Marines
By Representative Wolf

Honoring - Petersburg High School Lady Vikings Basketball Team
By Senator Stedman; Representative Wilson

In Memoriam - Lawrence Landry
By Representative Gara

In Memoriam - Ronald Jay Swanson
By Representative Wolf

In Memoriam - Rick D. Swanson
By Representative Wolf

In Memoriam - Lawrence Lavon Thompson
By Representative Masek

In Memoriam - Margaret B. Lee
By Senator Dyson

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

HB 560

HOUSE BILL NO. 560 by the House Transportation Committee,
entitled:

"An Act relating to application of municipal ordinances providing for planning, platting, and land use regulation to interests in land owned by the Alaska Railroad Corporation; and providing for an effective date."

was read the first time and referred to the Transportation and Community & Regional Affairs Committees.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 309

The following was read the second time:

HOUSE BILL NO. 309

"An Act prohibiting the release of nonindigenous predatory fish into public water."

with the:

Journal Page

FSH RPT CS(FSH) NT 3DP 2NR	3056
FN1: ZERO(DFG)	3057
FN2: ZERO(DPS)	3057
RES RPT CS(RES) NT 1DP 3NR 5AM	3276
FN1: ZERO(DFG)	3276

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FN2: ZERO(DPS)	3276
JUD RPT CS(JUD) NT 4DP 1NR 1AM	3438
FN1: ZERO(DFG)	3439
FN2: ZERO(DPS)	3439

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. 309(JUD)
"An Act relating to nonindigenous fish."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Holm and Wolf:

Page 1, following line 2:

Insert a new bill section to read:

"* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT. It is the intent of the Alaska State Legislature that

(1) this Act does not apply to generally accepted practices associated with the culture of ornamental fish on private property in small artificial ponds that have no direct access to the public waters of the state; and

(2) the state enforce this Act where a significant threat exists to native fish, wildlife, and plants and with due regard for private property."

Page 1, line 3:

Delete "**Section 1.**"

Insert "**Sec. 2.**"

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

Representative Berkowitz objected.

Amendment to Amendment No. 1 was offered by Representative Gara:

Under "(2)":

Delete "where a significant threat exists to native fish, wildlife, and plants and"

Representative Gara moved and asked unanimous consent that Amendment to Amendment No. 1 be adopted. There being no objection, it was so ordered.

There being no further objection, Amendment No. 1 as amended was adopted.

Amendment No. 2 was offered by Representative Weyhrauch:

Page 1, line 6, following "live nonindigenous fish":

Insert ", shellfish, bivalves"

Page 1, line 6, following "of nonindigenous fish,":

Insert "shellfish, or bivalves"

Page 1, lines 13 and 14, following "fish":

Insert ", shellfish, or bivalves"

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

Representative Rokeberg objected.

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

**The presence of Representative Moses was noted.

Amendment No. 3 was offered by Representative Berkowitz:

Page 1, line 15 through page 2, line 2:

Delete "and is punishable as authorized in AS 12.55 except that a fine of not less than \$5,000 shall be imposed"

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

Representative Wolf objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSHB 309(JUD) am
Second Reading
Amendment No. 3

YEAS: 26 NAYS: 13 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Joule, Kerttula, Kohring, Kookesh, Kott, Lynn, McGuire, Morgan, Moses, Stepovich, Weyhrauch, Williams, Wilson

Nays: Chenault, Foster, Gara, Heinze, Holm, Masek, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Wolf

Excused: Kapsner

And so, Amendment No. 3 was adopted.

Representative Coghill moved and asked unanimous consent that CSHB 309(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 309(JUD) am was read the third time.

The question being: "Shall CSHB 309(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 309(JUD) am
 Third Reading
 Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, 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: Kapsner

And so, CSHB 309(JUD) am passed the House and was referred to the Chief Clerk for engrossment.

HB 333

The following was read the second time:

HOUSE BILL NO. 333

"An Act relating to an endowment for public education; and providing for an effective date."

with the:

Journal Page

EDU RPT CS(EDU) NT 3DP 4NR	3021
FN1: (EED)	3022
FN2: (DNR)	3022
FN3: (REV)	3022
FN4: (UA)	3022
HES RPT CS(HES) NT 6DP 1NR	3104
FN1: (EED)	3105
FN2: (DNR)	3105
FN3: (REV)	3105
FN4: (UA)	3105
FIN RPT CS(FIN) NT 3DP 6NR 1AM	3357
FN1: (EED)	3357
FN4: (UA)	3357
FN5: (DNR)	3357

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FN6: (DNR)	3357
FN7: (DNR)	3357
FN8: ZERO(REV)	3357
FN9: (REV)	3357

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. 333(FIN)

"An Act relating to an endowment for public education and the University of Alaska; relating to university land; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Croft and Kerttula:

Page 2, lines 1 - 7:

Delete all material and insert:

"[(i)] conveyed to the Board of Regents by the commissioner of natural resources in the settlement of the claim of the University of Alaska to land granted to the state in accordance with the Act of March 4, 1915 (38 Stat. 1214), as amended, and in accordance with the Act of January 21, 1929 (45 Stat. 1091), as amended; [AND

(ii) SELECTED BY THE UNIVERSITY OF ALASKA AND CONVEYED TO IT BY THE COMMISSIONER OF NATURAL RESOURCES UNDER AS 14.40.365;]"

Page 2, lines 25 - 30:

Delete all material and insert:

"[LAND SELECTED BY AND CONVEYED TO THE UNIVERSITY OF ALASKA UNDER AS 14.40.365,] and any other land owned by the University of Alaska, **except for land transferred under AS 14.40.505,** is not and may not be treated as state public domain land. [LAND CONVEYED TO THE UNIVERSITY OF ALASKA UNDER AS 14.40.365 SHALL BE MANAGED UNDER AS 14.40.365 - 14.40.368 AND POLICIES OF THE BOARD OF REGENTS OF THE UNIVERSITY OF ALASKA.]"

Page 3, lines 5 - 9:

Delete all material and insert:

"(2) **receipts transferred to the fund under AS 14.40.500** [NET INCOME DERIVED FROM THE SALE, LEASE, OR MANAGEMENT OF THE LAND SELECTED BY AND CONVEYED TO THE UNIVERSITY OF ALASKA UNDER AS 14.40.365]; and

(3) monetary gifts, bequests, or endowments made to the University of Alaska for the purpose of the fund."

Page 6, line 28:

Insert a new section to read:

"***Sec. 8.** AS 14.40.365, 14.40.368, and 14.40.461 are repealed."

Renumber the following sections accordingly.

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

Representative Ogg objected.

Representative Williams placed a call of the House.

The Speaker stated the call was satisfied.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 333(FIN)
Second Reading
Amendment No. 1

YEAS: 16 NAYS: 23 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Hawker, Heinze, Joule, Kerttula, Kookesh, Moses, Seaton, Stoltze, Weyhrauch

Nays: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Holm, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Stepovich, Williams, Wilson, Wolf

Excused: Kapsner

And so, Amendment No. 1 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 333(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 333(FIN) will advance to third reading on tomorrow's calendar.

HB 336

The following was read the second time:

HOUSE BILL NO. 336

"An Act limiting recovery of civil damages by an uninsured driver; and providing for an effective date."

with the:

Journal Page

JUD RPT CS(JUD) NT 1DP 3DNP 2NR

3329

FN1: ZERO(CRT)

3330

FN2: ZERO(LAW)

3330

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. 336(JUD)

"An Act relating to motor vehicle insurance; limiting recovery of civil damages by an uninsured driver; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Meyer:

Page 1, line 10, following "person":

Insert "knew or should have known that the person"

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

Representative Berkowitz objected.

The Speaker stated that, without objection, the House would recess until 6:30 p.m.; and so, the House recessed at 12:36 p.m.

AFTER RECESS

The Speaker called the House back to order at 7:06 p.m.

HB 336

Amendment to Amendment No. 1 was offered by Representatives Gruenberg and Meyer:

Delete "or should have known"

Representative Gruenberg moved and asked unanimous consent that Amendment to Amendment No. 1 be adopted. There being no objection, it was so ordered.

There being no further objection, Amendment No. 1 as amended was adopted.

Amendment No. 2 was offered by Representative Croft:

Page 1, line 12, following "AS 28.20":

Insert "or is more than 30 days late on their car payments"

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

Representative Meyer objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 336(JUD) am
 Second Reading
 Amendment No. 2

YEAS: 4 NAYS: 34 EXCUSED: 1 ABSENT: 1

Yeas: Crawford, Croft, Morgan, Weyhrauch

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

Excused: Kapsner

Absent: Heinze

And so, Amendment No. 2 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 336(JUD) am be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

CSHB 336(JUD) am will advance to third reading on tomorrow's calendar.

HB 366

The following was read the second time:

HOUSE BILL NO. 366

"An Act relating to rat racing charitable gaming; and providing for an effective date."

with the:

Journal Page

STA RPT 3DP 1NR 2AM	2506
FN1: ZERO(REV)	2506
FIN RPT CS(FIN) NT 3DP 3NR	3519
FN1: ZERO(REV)	3519

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. 366(FIN)

"An Act relating to animal classic charitable gaming; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 366(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 366(FIN) was read the third time.

The question being: "Shall CSHB 366(FIN) pass the House?" The roll was taken with the following result:

CSHB 366(FIN)

Third Reading

Final Passage

YEAS: 38 NAYS: 0 EXCUSED: 1 ABSENT: 1

Yeas: Anderson, Berkowitz, Chenault, 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, Wilson, Wolf

Excused: Kapsner

Absent: Williams

And so, CSHB 366(FIN) 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 366(FIN) was referred to the Chief Clerk for engrossment.

HB 367

The following was read the second time:

HOUSE BILL NO. 367

"An Act relating to the licensing and regulation of sex-oriented businesses and sex-oriented business entertainers; relating to protection of the safety and health of and to education of young persons who perform in adult entertainment establishments; and providing for an effective date."

with the:	Journal Page
L&C RPT CS(L&C) NT 2DP 3NR 2AM	2506
FN1: (CED)	2507
JUD RPT CS(JUD) NT 3DP 3NR	2804
FN1: (CED)	2805
FN2: ZERO(LWF)	2805
FIN RPT CS(FIN) NT 3DP 6NR	3358
FN2: ZERO(LWF)	3359
FN3: ZERO(DPS)	3359
FN4: (CED)	3359

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. 367(FIN)

"An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was not offered.

Amendment No. 2 was offered by Representatives McGuire and Gara:

Page 4, line 8, following "offense":

Insert ";

(5) employers of adult-oriented business entertainers may not charge an employee or deduct from an employee's wages any fees or charges for anything needed by the employee to perform

the job of adult-oriented business entertainer, including the use of the stage, props, and costumes"

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

Objection was heard.

Amendment to Amendment No. 2 was offered by Representative McGuire:

Under (5), following "the stage":
Delete all material and insert:
"or props"

Representative McGuire moved and asked unanimous consent that Amendment to Amendment No. 2 be adopted. There being no objection, it was so ordered.

There being no further objection, Amendment No. 2 as amended was adopted.

Amendment No. 3 was offered by Representatives McGuire and Gara:

Page 4, line 8, following "offense":

Insert ";

(5) sexual contact between adult-oriented business entertainers and patrons is prohibited; in this paragraph, "sexual contact" means the touching of genitals, anus, or female breast or the intrusion of any object into the genital or anal opening regardless of whether the act was consensual"

Page 11, following line 22:

Insert a new bill section to read:

"* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

The definition of "sexual contact" set out in AS 08.90.030(5) conforms to the definition of "sexual contact" as it appears in 13 AAC 104.180(a)(3) adopted by the Department of Revenue, Alcoholic

Beverage Control Board, as that paragraph read on the effective date of this Act."

Renumber the following bill section accordingly.

Representative McGuire moved and asked unanimous consent that Amendment No. 3 be adopted. There being no objection, it was so ordered.

Amendment No. 4 was offered by Representative Croft:

Page 10, following line 19:

Insert a new section to read:

"Sec. 08.90.400. Exemption. An adult-oriented business physically located within a municipality of the state is exempt from the requirements of this chapter if the municipality has adopted an ordinance that requires an adult-oriented business, as described in this chapter, to obtain a license or permit from the municipality to operate as an adult-oriented business in the municipality."

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

Representative Harris objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

CSHB 367(FIN) am
Second Reading
Amendment No. 4

YEAS: 6 NAYS: 33 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Croft, Dahlstrom, Kohring, Kookesh, Stoltze

Nays: Anderson, Chenault, Cissna, Coghill, Crawford, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kerttula, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson, Wolf

Excused: Kapsner

And so, Amendment No. 4 was not adopted.

Amendment No. 5 was not offered.

Representative Coghill moved and asked unanimous consent that CSHB 367(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 367(FIN) am was read the third time.

The question being: "Shall CSHB 367(FIN) am pass the House?" The roll was taken with the following result:

CSHB 367(FIN) am

Third Reading

Final Passage

YEAS: 36 NAYS: 2 EXCUSED: 1 ABSENT: 1

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

Nays: Kohring, Stepovich

Excused: Kapsner

Absent: Moses

And so, CSHB 367(FIN) am 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 367(FIN) am was referred to the Chief Clerk for engrossment.

HB 379

The following was read the second time:

HOUSE BILL NO. 379

"An Act establishing an office of citizenship assistance in the Department of Labor and Workforce Development."

with the:	Journal Page
L&C RPT 2DP 5NR	3044
FN1: (LWF)	3044
FIN RPT 9DP 2NR	3395
FN2: (LWF)	3396

Representative Coghill moved and asked unanimous consent that HB 379 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 379 was read the third time.

Representative Berkowitz moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Berkowitz was required to vote.

The question being: "Shall HB 379 pass the House?" The roll was taken with the following result:

HB 379

Third Reading

Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 1 ABSENT: 3

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

Excused: Kapsner

Absent: Foster, Masek, Moses

And so, HB 379 passed the House and was referred to the Chief Clerk for engrossment.

Representative Coghill moved and asked unanimous consent that the House recess for a Majority Caucus; and so, the House recessed at 8:39 p.m.

AFTER RECESS

The Speaker called the House back to order at 9:38 p.m.

THIRD READING OF HOUSE BILLS

HB 298

The following, which was on the April 26, 2004, calendar and not taken up (page 3527), was read the third time:

CS FOR HOUSE BILL NO. 298(FIN)

"An Act relating to the income of and appropriations from the Alaska permanent fund under art. IX, sec. 15(b), Constitution of the State of Alaska, and making conforming amendments; relating to the determination of net income of the mental health trust fund; and providing for an effective date."

Representative Weyhrauch moved and asked unanimous consent that CSHB 298(FIN) be returned to second reading for the specific purpose of considering Amendment No. 4.

Objection was heard.

Representative Weyhrauch moved and asked unanimous consent to withdraw the motion. There being no objection, it was so ordered.

Representative Hawker moved and asked unanimous consent that CSHB 298(FIN) be returned to second reading for the specific purpose of considering Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 1 was not offered.

Amendment No. 2 was offered by Representatives Hawker, Ogg, Morgan, Kott, Wilson, Seaton, and Holm:

Page 3, following line 18:

Insert a new paragraph to read:

"(1) not more than five percent may be appropriated for municipalities and other communities;"

ReNUMBER the following paragraphs accordingly.

Page 3, line 19:

Delete "50"

Insert "45"

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

Objection was heard.

Representative Berkowitz placed a call of the House.

The Speaker stated the call was satisfied.

Amendment to Amendment No. 2 was offered by Representative Croft:

Delete "five"

Insert "ten"

Delete "45"

Insert "40"

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

Representative Hawker objected.

The question being: "Shall Amendment to Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 298(FIN)
Second Reading
Amendment to Amendment No. 2

YEAS: 19 NAYS: 20 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gruenberg, Guttenberg, Harris, Holm, Joule, Kerttula, Kohring, Kookesh, Masek, Moses, Ogg, Stoltze, Wilson

Nays: Anderson, Chenault, Coghill, Fate, Foster, Gatto, Hawker, Heinze, Kott, Lynn, McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wolf

Excused: Kapsner

Wilson changed from "Nay" to "Yea".

And so, Amendment to Amendment No. 2 was not adopted.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 298(FIN)
Second Reading
Amendment No. 2

YEAS: 30 NAYS: 9 EXCUSED: 1 ABSENT: 0

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

Nays: Chenault, Cissna, Foster, Gara, Heinze, Lynn, McGuire, Meyer, Wolf

Excused: Kapsner

And so, Amendment No. 2 was adopted.

Representative Croft placed a call of the House on the bill.

The Speaker stated the call was satisfied.

Representative Morgan moved and asked unanimous consent that CSHB 298(FIN) am be returned to second reading for the purpose of rescinding action in adopting Amendment No. 2.

Representative Wilson objected and withdrew the objection.

There being no further objection, CSHB 298(FIN) am was returned to second reading.

Representative Morgan moved and asked unanimous consent that the House rescind its action in adopting Amendment No. 2. There being no objection, the House rescinded its action in adopting Amendment No. 2.

Representative Morgan moved and asked unanimous consent that the House rescind its action in failing to adopt Amendment to Amendment No. 2.

Representative Rokeberg objected and withdrew the objection.

There being no further objection, the House rescinded its action in adopting Amendment to Amendment No. 2.

Amendment to Amendment No. 2 was again before the House.

The question being: "Shall Amendment to Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 298(FIN)
Second Reading
Amendment to Amendment No. 2

YEAS: 18 NAYS: 21 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Harris, Holm, Joule, Kerttula, Kookesh, Masek, Morgan, Moses, Ogg, Samuels, Wilson

Nays: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Hawker, Heinze, Kohring, Kott, Lynn, McGuire, Meyer, Rokeberg, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wolf

Excused: Kapsner

And so, Amendment to Amendment No. 2 was not adopted.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 298(FIN)
Second Reading
Amendment No. 2

YEAS: 28 NAYS: 11 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Coghill, Crawford, Croft, Fate, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kerttula, Kohring, Kookesh, Kott, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson

Nays: Chenault, Cissna, Dahlstrom, Foster, Gara, Lynn, Masek, McGuire, Meyer, Stoltze, Wolf

Excused: Kapsner

And so, Amendment No. 2 was adopted.

The Speaker stated that, without objection, the rules would be suspended and the bill would be returned to second reading for all amendments.

Amendment No. 1 was offered by Representative Gara:

Page 3, following line 26:

Insert a new subsection to read:

"(f) an appropriation of education funds under (c)(1) of this section shall only be allowable to the extent the base student allocation stated in AS 14.17.470 is increased over the previous

fiscal year as follows:

(1) The department must increase the base allocation to the extent of increases during the second preceding calendar year in the Consumer Price Index for all urban consumers for the Anchorage Metropolitan Area compiled by the Bureau of Labor Statistics, United States Department of Labor. The index for January 2002 is the reference base index.

(2) In addition to an increase, if any, to the base student allocation under (f)(1) of this section, the department must increase the base student allocation by two percent. The increase under this subsection shall be used for either:

(A) class-size reduction; or

(B) compliance with 20 U.S.C. 6301 - 7941 (No Child Left Behind Act of 2001)."

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

Representative Hawker objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 298(FIN) am

Second Reading

Amendment No. 1

YEAS: 18 NAYS: 21 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Harris, Joule, Kerttula, Kookesh, Masek, McGuire, Morgan, Moses, Seaton, Wilson

Nays: Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Hawker, Heinze, Holm, Kohring, Kott, Lynn, Meyer, Ogg, Rokeberg, Samuels, Stepovich, Stoltze, Weyhrauch, Williams, Wolf

Excused: Kapsner

And so, Amendment No. 1 was not adopted.

Amendment No. 3 was offered by Representatives Kott, Meyer, Hawker, Heinze, Seaton, McGuire, Holm, Lynn, and Anderson:

Page 3, line 20:

Delete "not more than 50 percent"

Insert "an amount"

Page 3, line 21, following "AS 43.23.045":

Insert "equal to the greater of the following:

(A) the amount necessary to pay dividends equal to \$1,111; or

(B) 50 percent of the amount remaining available for appropriation under (a) of this section."

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

Objection was heard.

Representative Croft lifted the call.

The House adjourned with CSHB 298(FIN) am in second reading with Amendment No. 3 moved and pending.

HB 511

The following, which was on the April 26, 2004, calendar and not taken up (page 3527), was not taken up this legislative day and will be on tomorrow's calendar:

CS FOR HOUSE BILL NO. 511(HES) am

"An Act relating to the certificate of need program for health care facilities; and providing for an effective date."

HB 533

The following, which was on the April 26, 2004, calendar and not taken up (page 3528), was not taken up this legislative day and will be on tomorrow's calendar:

CS FOR HOUSE BILL NO. 533(JUD)

"An Act relating to the state's administrative procedures and to judicial oversight of administrative matters."

LEGISLATIVE CITATIONS

The following citations were not taken up this legislative day and will be on tomorrow's calendar:

Honoring - Master Sergeant David Hudson As 2003 Pacific Air Command Air Force's (PACF) Enlisted Reservist of the Year
By Representatives Kott, Hawker, Dahlstrom, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Honoring - Metlakatla High School Chiefs Boys Basketball Team
By Representatives Kookesh, Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf; Senator Lincoln

In Memoriam - Jake Ketscher, Esquire
By Representatives Coghill, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Honoring - Christopher Partridge
By Senator Gary Stevens; Representatives Ogg, Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Morgan, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

In Memoriam - Troy Davis

By Representatives Crawford, Kott, Anderson, Berkowitz, Chenault, Cissna, Coghill, Croft, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf; Senator Ellis

UNFINISHED BUSINESS

HJR 9

Representative Gatto added his name as cosponsor to:

CS FOR HOUSE JOINT RESOLUTION NO. 9(FIN) am
Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit.

HB 241

Representative Gruenberg added his name as cosponsor to:

HOUSE BILL NO. 241
"An Act relating to optional exemptions from municipal property taxes on residential property."

HB 309

Representatives Lynn and Dahlstrom added their names as cosponsors to:

CS FOR HOUSE BILL NO. 309(JUD) am
"An Act relating to nonindigenous fish."

HB 333

Representative McGuire added her name as cosponsor to:

CS FOR HOUSE BILL NO. 333(FIN)
"An Act relating to an endowment for public education and the University of Alaska; relating to university land; and providing for an effective date."

HB 366

Representative Lynn added his name as cosponsor to:

CS FOR HOUSE BILL NO. 366(FIN)

"An Act relating to animal classic charitable gaming; and providing for an effective date."

HB 367

Representative Lynn added his name as cosponsor to:

CS FOR HOUSE BILL NO. 367(FIN) am

"An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

HB 379

Representatives Gara, Kerttula, Dahlstrom, Ogg, Lynn, and Gruenberg added their names as cosponsors to:

HOUSE BILL NO. 379

"An Act establishing an office of citizenship assistance in the Department of Labor and Workforce Development."

ENGROSSMENT

HB 309

CSHB 309(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 366

CSHB 366(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 367

CSHB 367(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 379

HB 379 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn (page 3562) until 10:00 a.m., April 28, 2004. There being no objection, the House adjourned at 11:04 p.m.

Suzi Lowell
Chief Clerk