

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE – SECOND SESSION

Juneau, Alaska

Monday

April 7, 2008

Eighty-fourth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 11:25 a.m.

Roll call showed 40 members present.

The invocation was offered by the Chaplain, the Reverend Matt Johnson of Greatland Bible Ministries. Representative Dahlstrom 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 Alaskans of every faith, I offer this prayer.

Eternal God, we wish to offer thanks for your providence that has brought us to this good day. We bless you for our creation, preservation, and all the blessings of this life. Your mercies truly are over all your works. We offer especial thanks for your care, evident in the lives of our members and their families who have taken an imposed absence from us due to personal illness; we pray your continued aid and blessing upon them.

And though often we take it for granted, we give thanks today for the provenance of the exercise we engage in. We acknowledge the blessing of self-determination. We are not subject to the whims and wills of autocrats and plutocrats, but rather we have been granted the blessing of living under a regime of law where power ascends from the consent of the

governed. We give thanks to you for a founding vision that recognized that our rights do not originate with government but are of a higher order and therefore unalienable.

We thank you for life in all of its givenness and fragility; help us to be good stewards of these, your graces. We give thanks to you for the possibilities of a life that need not be ruled by the tyranny of self-interest. Help us through infusion of grace and cultivation of virtue to fully realize our own freedom in a life that issues in an altruism of being that transcends the dialectic of competing egos.

Give us to be reminded that if we would master the world, we must first master ourselves. We give thanks to you for the accomplishments of this session. Grant us strength to finish the task you have given us to do and to do it with the grace requisite to our trust. For Christ's sake. Amen.

The Pledge of Allegiance was led by Representative Salmon.

CERTIFICATION OF THE JOURNAL

Representative Samuels moved and asked unanimous consent that the journal for the 83rd legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

The Speaker stated that, without objection, the House would recess to 4:00 p.m.; and so, the House recessed at 11:44 a.m.

AFTER RECESS

The Speaker called the House back to order at 4:27 p.m.

**Representative Foster was excused (page 2569).

MESSAGES FROM THE SENATE

HCR 27

A message dated April 6, 2008, was read stating the Senate passed:

HOUSE CONCURRENT RESOLUTION NO. 27

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 214, relating to hunting licenses and tags for nonresident members of the military service or the United States Coast Guard and their dependents.

HCR 27 was referred to the Chief Clerk for enrollment.

HJR 32

A message dated April 6, 2008, was read stating the Senate passed:

HOUSE JOINT RESOLUTION NO. 32

Supporting open and free competition within the broadcasting industry.

HJR 32 was referred to the Chief Clerk for enrollment.

HB 285

A message dated April 7, 2008, was read stating the Senate passed:

CS FOR HOUSE BILL NO. 285(CRA)

"An Act relating to an optional exemption from municipal property taxes for residences of widows and widowers of certain members of the armed forces of the United States."

CSHB 285(CRA) was referred to the Chief Clerk for enrollment.

HB 295

A message dated April 7, 2008, was read stating the Senate passed:

HOUSE BILL NO. 295

"An Act relating to the filing or recording of documents and records with the Department of Natural Resources, to the inspection and copying of filed and recorded documents, and to the filing of secured transaction records under the Uniform Commercial Code; and providing for an effective date."

HB 295 was referred to the Chief Clerk for enrollment.

HB 233

A message dated April 6, 2008, was read stating the Senate passed CSHB 233(L&C) with the following amendment and it is transmitted for consideration:

SENATE CS FOR CS FOR HOUSE BILL NO. 233(L&C)

"An Act relating to giving notice of unclaimed net margin distributions made by electric and telephone cooperatives."

CSHB 233(L&C) is under Unfinished Business.

HB 121

A message dated April 7, 2008, was read stating the Senate failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 121(L&C) am

"An Act relating to release of information in individual workers' compensation records; and providing for an effective date."

namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 121(FIN)

(same title)

CSHB 121(L&C) am is under Unfinished Business.

HB 310

A message dated April 6, 2008, was read stating the President granted limited powers of free conference to the Senate members of the Conference Committee considering:

CS FOR HOUSE BILL NO. 310(FIN) am

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 310(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 Speaker granted the limited powers of free conference as
requested (page 2638).

HB 312

A message dated April 6, 2008, was read stating the President granted
limited powers of free conference to the Senate members of the
Conference Committee considering:

CS FOR HOUSE BILL NO. 312(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."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 312(FIN)
(same title)

The Speaker granted the limited powers of free conference as
requested (page 2639).

SB 214

A message dated April 6, 2008, was read stating the Senate concurred
in the House amendment to:

CS FOR SENATE BILL NO. 214(FIN)

"An Act relating to hunting licenses and tags for nonresident
members of the military service or the United States Coast Guard
and their dependents; and providing for an effective date."

thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 214(FIN)

"An Act relating to hunting licenses and tags for nonresident members of the military service or the United States Coast Guard and their dependents; providing for free hunting and sport fishing licenses for active members of the Alaska National Guard and military reserves; and providing for an effective date."

(HCR 27 - title change resolution)

SB 241

A message dated April 7, 2008, was read stating the Senate concurred in the House amendment to CSSB 241(SED), thus adopting:

HOUSE CS FOR CS FOR SENATE BILL NO. 241(HES)

"An Act relating to a report to the legislature on teacher preparation, retention, and recruitment by the Board of Regents of the University of Alaska; and providing for an effective date."

The Senate adopted the House letter of intent (page 2437).

A message dated April 6, 2008, was read stating the Senate passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE RESOLUTIONS****SCR 24**

SENATE CONCURRENT RESOLUTION NO. 24 by the Senate Health, Education and Social Services Committee:

Relating to establishing a Joint Legislative Certificate of Need Task Force.

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

SJR 18

SENATE JOINT RESOLUTION NO. 18 by Senators Wielechowski and Ellis:

Requesting the President of the United States to direct the United States Consumer Product Safety Commission to test the materials used in children's toys and other children's products for toxicity and to make the results publicly available.

was read the first time and referred to the Health, Education & Social Services Committee.

REPORTS OF STANDING COMMITTEES

The Labor & Commerce Committee reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Mr. Max E. Mertz

as a member of the Alaska State Board of Public Accountancy.

Mr. Joseph DelDonno
Mr. Robert Klein

as members of the Alcoholic Beverage Control Board.

Mr. Clifford E. Baker
Mr. Daniel E. Walsh

as members of the State Board of Registration for Architects, Engineers, and Land Surveyors.

Ms. Lorenda Britten
Ms. Kelley Sherman

as members of the Board of Barbers and Hairdressers.

Mr. James Heston

as a member of the Board of Chiropractic Examiners.

Mr. Robert J. Arts

as a member of the Board of Marine Pilots.

The Very Rev. John Downing

as a member of the Board of Marital and Family Therapy.

Mr. James Montgomery, Jr.
Mr. Timothy O. Sharp

as members of the Occupational Safety and Health Review Board.

Ms. Joyce Barnett
Dr. Julius S. Brecht
Mr. Gary W. Burleson
Ms. Kathleen Lind

as members of the State Physical Therapy and Occupational Therapy Board.

Mr. James R. "Randy" Morton

as a member of the Board of Professional Counselors.

Ms. Camille O. "Cam" Carlson
Dr. John R. DeRuyter
Ms. Lisa C. Turner

as members of the Board of Psychologist and Psychological Associate Examiners.

Ms. Christina E. Swires

as a member of the Real Estate Commission.

Mr. Robert M. "Bob" Pickett

as a member of the Regulatory Commission of Alaska (RCA).

Dr. Timothy L. Bowser
Mr. Martin Buser

as members of the Board of Veterinary Examiners.

Mr. David Richards

as a member of the Workers' Compensation Appeals Commission.

Mr. Don L. Gray
Mr. Howard A. Hansen
Mr. David Kester
Ms. Debra G. Norum
Mr. Michael J. Notar
Mr. Jeffrey P. Pruss
Mr. David B. Robinson
Mr. Marc D. Stemp
Mr. Damian J. Thomas

as members of the Alaska Workers' Compensation Board.

The report was signed by Representative Olson, Chair; and Representatives Gardner, Buch, and Gatto.

HB 106

The Finance Committee considered:

HOUSE BILL NO. 106

"An Act repealing fees imposed on the sale of new tires, the sale of certain studded tires, and the installation of certain metal studs on tires; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 106(FIN)
(same title)

The report was signed by Representatives Meyer and Chenault, Co-chairs, with the following individual recommendations:

Do pass (10): Foster, Nelson, Crawford, Thomas, Gara, Stoltze, Hawker, Kelly, Meyer Chenault

No recommendation (1): Joule

The following fiscal note(s) apply to CSHB 106(FIN):

2. Fiscal, Dept. of Revenue

HB 106 was referred to the Rules Committee for placement on the calendar.

HB 314

The Finance Committee considered:

HOUSE BILL NO. 314

"An Act providing for and relating to the issuance of general obligation bonds for the purpose of paying the cost of state transportation projects; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 314(FIN)
(same title)

The report was signed by Representatives Meyer and Chenault, Co-chairs, with the following individual recommendations:

Do pass (9): Hawker, Foster, Nelson, Joule, Thomas, Stoltze, Kelly, Meyer, Chenault

No recommendation (2): Crawford, Gara

The following fiscal note(s) apply to CSHB 314(FIN):

1. Fiscal, Office of the Governor
2. Fiscal, Dept. of Revenue

HB 314 is on today's first supplemental calendar.

HB 323

The Judiciary Committee considered:

HOUSE BILL NO. 323

"An Act relating to the crimes of assault in the fourth degree and of resisting or interfering with arrest; relating to the determination of time of a conviction; relating to offenses concerning controlled substances; relating to issuance of search warrants; relating to persons found incompetent to stand trial concerning criminal conduct; relating to probation and to restitution for fish and game violations; relating to aggravating factors at sentencing; relating to criminal extradition authority of the governor; removing the statutory bar to prosecution of certain crimes; amending Rule 37(b), Alaska Rules of Criminal Procedure, relating to execution of warrants; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 323(JUD)

"An Act relating to furnishing or delivering alcoholic beverages to persons under 21 years of age; relating to shipping, sending, transporting, or bringing alcohol to a local option area and providing alcohol to others in the local option area, including penalties for violations; relating to reports of alcohol violations by minors; relating to certain persons who lend money on secondhand articles; relating to arson and criminally negligent burning; relating to defenses for the detention of persons suspected of committing concealment of merchandise or theft; relating to controlled substances; relating to the determination of time of a conviction; relating to issuance of search warrants; relating to persons found incompetent to stand trial concerning criminal conduct; relating to probation for certain offenses; relating to restitution for fish and game violations; relating to aggravating factors at sentencing; relating to post-conviction relief proceedings; relating to criminal extradition authority of the governor; removing the statutory bar to prosecution of certain crimes; amending Rule 37(b), Alaska Rules of Criminal Procedure, relating to execution of warrants, and Rule 35.1, Alaska Rules of Criminal Procedure; and providing for an effective date."

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

Do pass (5): Gruenberg, Lynn, Dahlstrom, Samuels, Ramras

No recommendation (1): Coghill

A House Judiciary Committee letter of intent for CSHB 323(JUD), signed by Representative Ramras, Chair, follows:

"Section 30 of this Act corrects a misunderstanding in the applicability provision in ch. 24, section 36(c), SLA 2007. This section addressed the applicability of the newly adopted AS 12.72.025, which adopted a one-year statute of limitation on applications for post-conviction relief based on the claim that the applicant's attorney in his or her first application for post-conviction relief was ineffective. These applications are commonly called *Grinols* applications.

The purpose of AS 12.72.025 was to codify a statute of limitation with respect to second applications for post-conviction relief. Second applications for post-conviction relief raising a claim that an applicant's counsel rendered ineffective assistance in the first application were authorized by *Grinols v. State*, 10 P.3d 600 (Alaska App. 2000), *aff'd*, 74 P.3d 889 (Alaska 2003). *Grinols* also imposed a requirement of "due diligence" in bringing second applications. The court in *Grinols* assumed, but expressly declined to decide, that the existing statute-of-limitations in AS 12.72.020 applied in *Grinols's* second application.

The purpose of AS 12.72.025 was to codify for second applications the same one-year statute of limitation as now exists for first applications, and was not to expand it or overrule *Grinols's* due diligence requirement. But the applicability clause can be misinterpreted to mean that if an application was dismissed at any time prior to July 1, 2007, then a second application will be permitted if filed by July 1, 2008, regardless of how much time passed between the first and second applications, or whether the applicant had exercised due diligence in bringing it. That interpretation is inconsistent with the legislature's purpose in enacting AS 12.72.025 and inconsistent with the court's holding in *Grinols*.

Section 30 of this Act specifically corrects such a mistaken interpretation."

The following fiscal note(s) apply to CSHB 323(JUD):

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

HB 323 was referred to the Finance Committee.

SB 263

The Labor & Commerce Committee considered:

CS FOR SENATE BILL NO. 263(L&C)

"An Act relating to the State Board of Registration for Architects, Engineers, and Land Surveyors; and relating to an exemption for persons authorized by the Department of Public Safety who are engaged in the design of fire detection and suppression systems from registration as architects, engineers, land surveyors, or landscape architects."

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

Do pass (7): Gardner, Gatto, Buch, Neuman, Ramras, LeDoux, Olson

The following fiscal note(s) apply:

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Dept. of Public Safety

CSSB 263(L&C) was referred to the Rules Committee for placement on the calendar.

SB 285

The Finance Committee considered:

CS FOR SENATE BILL NO. 285(FIN)

"An Act relating to the power and duties of the Department of Education and Early Development for improving instructional practices in school districts; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 285(HES)
(same title)

The report was signed by Representatives Meyer and Chenault, Co-chairs, with the following individual recommendations:

Do pass (5): Hawker, Nelson, Thomas, Meyer, Chenault

No recommendation (3): Crawford, Stoltze, Gara

The Committee adopted the Senate letter of intent (Senate Journal pages 2261 and 2315).

The following fiscal note(s) apply to HCS CSSB 285(HES):

1. Fiscal, Dept. of Education & Early Development

CSSB 285(FIN) was referred to the Rules Committee for placement on the calendar.

SB 305

The Labor & Commerce Committee considered:

SENATE BILL NO. 305

"An Act relating to recorking, sealing, or packaging of wine served with a meal and removal of recorked, sealed, or packaged wine from licensed premises."

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

Do pass (5): Neuman, Gatto, Ramras, LeDoux, Olson

No recommendation (2): Gardner, Buch

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety

SB 305 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

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

In Memoriam – Pete E. Payton
By Representative Kawasaki

In Memoriam – William Anthony Joyce
By Representative Olson; Senator Wagoner

In Memoriam – Melvin Allen Gamble, Kaa.ooshti
By Senator Kookesh; Representative Thomas

In Memoriam – Sarah Wellington
By Senator Kookesh; Representative Thomas

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

Honoring – 70th Birthday of Senator Bettye Davis
By Representatives Cissna, Crawford

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HJR 41

HOUSE JOINT RESOLUTION NO. 41 by the House Rules Committee:

Urging the United States Congress to repeal sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005).

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 366

The following was read the second time:

HOUSE BILL NO. 366

"An Act relating to an exemption from public disclosure of certain appropriations from the dividend fund; and providing for an effective date."

with the:

Journal Page

STA RPT 2DP 4NR	2380
FN1: ZERO(COR)	2380
FN2: ZERO(REV)	2380
FIN RPT 3DP 6NR	2602
FN2: ZERO(REV)	2602
FN3: ZERO(COR)	2602

Amendment No. 1 was offered by Representatives Chenault and Crawford:

Page 1, line 2, following "**fund**;" (title amendment):

Insert "**relating to execution upon permanent fund dividends by civilian process servers using electronic procedures; amending Rule 89, Alaska Rules of Civil Procedure;**"

Page 2, following line 8:

Insert new bill sections to read:

"* **Sec. 2.** AS 43.23.065(a) is amended to read:

(a) Except as provided in (b) of this section, 20 percent of the annual permanent fund dividend payable to an individual is exempt from levy, execution, garnishment, attachment, or any

other remedy for the collection of debt. No other exemption applies to a dividend. Notwithstanding other laws, a writ of execution upon a dividend that has not been delivered to the debtor may be served on the commissioner by

(1) certified mail, return receipt requested; or

(2) a civilian process server licensed by the commissioner of public safety using electronic execution procedures, as provided under regulations adopted by the department [. UPON RECEIPT OF A WRIT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THE COMMISSIONER SHALL DELIVER THAT PORTION OF THE DIVIDEND EXECUTED UPON TO THE COURT ALONG WITH THE CASE NAME AND NUMBER].

* **Sec. 3.** AS 43.23.065(d) is amended to read:

(d) An assignment of or levy, execution, garnishment, attachment, or other remedy for the collection of debt applied to a dividend for a year may not be accepted by the department before April 1 of that same year. AS 09.38.080(c) and 09.38.085 do not apply to a levy on a permanent fund dividend. **Upon receipt of a writ of execution under (a) of this section or another court order, the commissioner shall deliver to the court that portion of the dividend executed upon along with the case name and number.** [THE DEPARTMENT SHALL INCLUDE THE CASE NUMBER WITH A DIVIDEND OR PORTION OF A DIVIDEND TRANSMITTED TO THE COURT IN RESPONSE TO A WRIT OF EXECUTION OR OTHER COURT ORDER.] At the time payment is made to the court, the department shall send to the individual at the address provided in the individual's dividend application and to the court that issued the writ or order a notice that contains

(1) notification that all or part of the individual's dividend has been seized under a writ of execution or court order;

(2) the name and address of the court that issued the writ or order;

(3) the case number for which the writ or order was issued;

(4) the amount seized under the writ or order; and

(5) notification that the individual has 30 days from the date the notice is mailed in which to file with the court an objection to the seizure if a mistake has been made.

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE AMENDMENT. The provisions of secs. 2 and 3 of this Act have the effect of changing Rule 89, Alaska Rules of Civil Procedure, by allowing a civilian process server licensed by the commissioner of public safety to execute upon an Alaska Permanent Fund dividend by electronic means in accordance with regulations adopted by the Department of Revenue.

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

CONDITIONAL EFFECT. The amendments to AS 43.23.065 made by secs. 2 and 3 of this Act take effect only if sec. 4 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska."

Renumber the following bill sections accordingly.

Page 2, line 9:

Delete "This Act"

Insert "Section 1 of this Act"

Page 2, following line 9:

Insert a new bill section to read:

"* **Sec. 7.** If, under sec. 5 of this Act, secs. 2 and 3 of this Act take effect, they take effect January 1, 2009."

Representative Crawford 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 and the new title follows:

HOUSE BILL NO. 366 am

"An Act relating to an exemption from public disclosure of certain appropriations from the dividend fund; relating to execution upon permanent fund dividends by civilian process servers using electronic procedures; amending Rule 89, Alaska Rules of Civil Procedure; and providing for an effective date."

Representative Samuels moved and asked unanimous consent that HB 366 am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 366 am was read the third time.

The question being: "Shall HB 366 am pass the House?" The roll was taken with the following result:

HB 366 am
Third Reading
Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 1 ABSENT: 2

Yeas: Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas

Excused: Foster

Absent: Kelly, Wilson

And so, HB 366 am passed the House.

Representative Samuels 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.

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

Representative Crawford gave notice of reconsideration of the vote on HB 366 am.

RECONSIDERATION

HB 366

Representative Crawford moved and asked unanimous consent that reconsideration of HB 366 am be taken up on the same day. There being no objection, it was so ordered.

HB 366 am was again before the House in third reading.

The question to be reconsidered: "Shall HB 366 am pass the House?"
The roll was taken with the following result:

HB 366 am--RECONSIDERATION

Third Reading

Final Passage

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

Yeas: Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Foster

And so, HB 366 am passed the House on reconsideration.

Representative Samuels 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.

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

HB 366 am was referred to the Chief Clerk for engrossment.

CONSIDERATION OF THE DAILY CALENDAR

(continued)

SECOND READING OF SENATE BILLS

SB 211

The following was read the second time:

SENATE BILL NO. 211

"An Act relating to an aggravating factor at sentencing for crimes directed at a victim because of the victim's homelessness."

with the:

Journal Page

JUD RPT HCS(JUD) NT 2DP 3NR	2636
FN1: ZERO(COR)	2637
FN2: ZERO(ADM)	2637
FN3: ZERO(ADM)	2637

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

HOUSE CS FOR SENATE BILL NO. 211(JUD)

"An Act relating to an aggravating factor at sentencing concerning the knowledge of the defendant regarding the vulnerability or incapability of resistance of the victim due to homelessness."

(HCR 28 - title change resolution)

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that HCS SB 211(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS SB 211(JUD) was read the third time.

The question being: "Shall HCS SB 211(JUD) pass the House?" The roll was taken with the following result:

HCS SB 211(JUD)

Third Reading

Final Passage

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

Yeas: Buch, Cissna, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Holmes, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Meyer, Nelson, Ramras, Salmon, Seaton, Thomas

Nays: Chenault, Coghill, Fairclough, Hawker, Johansen, Kelly, LeDoux, Neuman, Olson, Roses, Samuels, Stoltze, Wilson

Excused: Foster

And so, HCS SB 211(JUD) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE RESOLUTIONS

HCR 28

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 28

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 211, relating to an aggravating factor at sentencing for crimes directed at a victim because of the victim's homelessness.

The question being: "Shall HCR 28 pass the House?" The roll was taken with the following result:

HCR 28

Second Reading

Final Passage

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

Yeas: Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johansen, Johnson, Kawasaki, Keller, Kelly, LeDoux, Lynn, Meyer, Neuman, Olson, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Foster

Absent: Joule, Kerttula, Nelson, Ramras

And so, HCR 28 passed the House and was referred to the Chief Clerk for engrossment.

**CONSIDERATION OF THE FIRST SUPPLEMENTAL
CALENDAR**

Representative Samuels moved and asked unanimous consent that the House approve the following First Supplemental Calendar:

HB 314 G.O. BONDS FOR TRANSPORTATION PROJECTS

There being no objection, it was so ordered.

SECOND READING OF HOUSE BILLS

HB 314

The following was read the second time:

HOUSE BILL NO. 314

"An Act providing for and relating to the issuance of general obligation bonds for the purpose of paying the cost of state transportation projects; and providing for an effective date."

with the:

Journal Page

TRA RPT CS(TRA) 1DP 5NR	2545
FN1: (GOV)	2546
FIN RPT CS(FIN) 9DP 2NR	2694
FN1: (GOV)	2694
FN2: (REV)	2694

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

CS FOR HOUSE BILL NO. 314(FIN)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Chenault:

Page 2, line 27:

Delete "Pavement"

Representative Chenault 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 Samuels moved and asked unanimous consent that CSHB 314(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 314(FIN) am was read the third time.

The question being: "Shall CSHB 314(FIN) am pass the House?" The roll was taken with the following result:

CSHB 314(FIN) am

Third Reading

Final Passage

YEAS: 29 NAYS: 10 EXCUSED: 1 ABSENT: 0

Yeas: Buch, Chenault, Cissna, Crawford, Dahlstrom, Fairclough, Gatto, Gruenberg, Harris, Hawker, Holmes, Johansen, Johnson, Joule, Keller, Kelly, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Nays: Coghill, Doll, Doogan, Edgmon, Gara, Gardner, Guttenberg, Kawasaki, Kerttula, LeDoux

Excused: Foster

And so, CSHB 314(FIN) am passed the House.

Representative Samuels 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.

Representative Coghill gave notice of reconsideration of the vote on CSHB 314(FIN) am.

CONSIDERATION OF THE DAILY CALENDAR

(continued)

LEGISLATIVE CITATIONS

Representative Samuels moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring – Chugiak Girls Flag Football, 2007 Cook Inlet Conference Champions

By Representatives Stoltze, Fairclough, Dahlstrom, Harris, Buch, Chenault, Cissna, Coghill, Crawford, Doll, Doogan, Edgmon, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Thomas, Wilson; Senators Huggins, Dyson

In Memoriam – Delores "Dolly" Whaley

By Representatives Stoltze, Fairclough, Dahlstrom, Harris, Buch, Chenault, Cissna, Coghill, Crawford, Doll, Doogan, Edgmon, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Thomas, Wilson; Senators Huggins, Dyson

CONCUR IN SENATE AMENDMENTS

HB 233

Representative Samuels moved and asked unanimous consent that the House consider the Senate message (page 2688) on the following:

CS FOR HOUSE BILL NO. 233(L&C)

"An Act relating to giving notice of unclaimed net margin distributions made by electric and telephone cooperatives."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 233(L&C)
(same title)

There being no objection, it was so ordered.

Representative Samuels moved that the House concur in the Senate amendment to CSHB 233(L&C), thus adopting SCS CSHB 233(L&C), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 233(L&C)?" The roll was taken with the following result:

SCS CSHB 233(L&C)

Concur

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

Yeas: Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Foster

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 233(L&C).

The Chief Clerk notified the Senate.

SCS CSHB 233(L&C) was referred to the Chief Clerk for enrollment.

SPECIAL ORDER OF BUSINESS

Representative Samuels moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring – 70th Birthday of Senator Bettye Davis, be taken up as a Special Order of Business. There being no objection, it was so ordered.

Representative Samuels 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 – 70th Birthday of Senator Bettye Davis

By Representatives Cissna, Crawford, Harris, Chenault, Coghill, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, LeDoux, Lynn, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

UNFINISHED BUSINESS

HB 366

Representatives Doll and Lynn added their names as cosponsors to:

HOUSE BILL NO. 366 am

"An Act relating to an exemption from public disclosure of certain appropriations from the dividend fund; relating to execution upon permanent fund dividends by civilian process servers using electronic procedures; amending Rule 89, Alaska Rules of Civil Procedure; and providing for an effective date."

SCR 19

Representative Doll added her name as cross sponsor to:

SPONSOR SUBSTITUTE FOR SENATE CONCURRENT
RESOLUTION NO. 19

Relating to implementation of the recommendations of the Governor's Summit on Early Learning.

SB 124

Representative Doll added her name as cross sponsor to:

CS FOR SENATE BILL NO. 124(FIN)

"An Act relating to unemployment contributions for the Alaska technical and vocational education program and to the allocation of money appropriated to the Alaska Workforce Investment Board; and providing for an effective date."

SB 185

Representative Doll added her name as cross sponsor to:

CS FOR SENATE BILL NO. 185(STA)(title am)

"An Act relating to the central registry of sex offenders and child kidnappers and to the registration requirements for sex offenders and child kidnappers; and providing for an effective date."

SB 201

Representative Doll added her name as cross sponsor to:

CS FOR SENATE BILL NO. 201(FIN)

"An Act relating to the establishment and maintenance of an Internet website providing public finance information; and identifying the information to be available on the Internet website."

SB 202

Representative Doll added her name as cross sponsor to:

SENATE BILL NO. 202

"An Act relating to expenditures in aid of or to implement the provisions of the federal Real ID Act."

SB 211

Representative Doll added her name as first cross sponsor and Representatives Gruenberg and Gara added their names as cross sponsors to:

HOUSE CS FOR SENATE BILL NO. 211(JUD)

"An Act relating to an aggravating factor at sentencing concerning the knowledge of the defendant regarding the vulnerability or incapability of resistance of the victim due to homelessness."

The cross sponsors are Representatives Doll, Kerttula, Gruenberg, and Gara.

SB 255

Representative Doll added her name as cross sponsor to:

SENATE BILL NO. 255

"An Act relating to refunding of certain outstanding bonds issued by the Alaska Industrial Development and Export Authority concerning the Snettisham hydroelectric project and related assets; and providing for an effective date."

SB 263

Representative Buch added his name as cross sponsor to:

CS FOR SENATE BILL NO. 263(L&C)

"An Act relating to the State Board of Registration for Architects, Engineers, and Land Surveyors; and relating to an exemption for persons authorized by the Department of Public Safety who are engaged in the design of fire detection and suppression systems from registration as architects, engineers, land surveyors, or landscape architects."

SB 289

Representative Doll added her name as cross sponsor to:

SENATE BILL NO. 289

"An Act relating to home energy conservation and weatherization for purposes of certain programs of the Alaska Housing and Finance Corporation."

ENGROSSMENT**HCR 28**

HCR 28 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 366

HB 366 am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 211

HCS SB 211(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENGROSSMENT AND ENROLLMENT**HR 8**

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 10:08 a.m., April 7, 2008:

HOUSE RESOLUTION NO. 8

Supporting the Kensington Gold Mine project; and commending the United States Forest Service for its environmental change analysis.

House Resolve No. 8

ANNOUNCEMENTS

With appointment of the Conference Committee on the operating budget, Rule 23(d) of the Uniform Rules is in effect as of April 3, 2008.

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Samuels moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 8, 2008. There being no objection, the House adjourned at 5:48 p.m.

Suzi Lowell
Chief Clerk