

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Wednesday

March 3, 2004

Fifty-second Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:18 a.m.

Roll call showed 37 members present. Representative Kapsner had been previously excused from a call of the House today.

Representative Coghill moved and asked unanimous consent that Representative Heinze be excused from a call of the House today because of illness. There being no objection, it was so ordered. The presence of Representative Heinze was noted later.

Representative Coghill moved and asked unanimous consent that Representative Kookesh be excused from a call of the House today. There being no objection, it was so ordered.

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

Almighty God,

Amid all the pressures of life which we face every day, we pray for peace in the midst of the storms. And we claim Your promise that says "I will not forget you, I have inscribed you on the palms of My hands." And as we pray that prayer, Lord, we ask that You help us get off our own hands and into Your strong, competent hands. Remind us, Lord, when we get so busy, that it is You who is in control and we who are here to serve You.

Fill this Chamber with Your presence, and each Representative with a keen sense of accountability to You and the great citizens of this state. In Your all-powerful Name, we pray. Amen.

The Pledge of Allegiance was led by Representative Chenault.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 50th and 51st legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated March 2, 2004, was read stating the Senate has passed the following and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 201

CS FOR SENATE BILL NO. 201(HES) by the Senate Health, Education & Social Services Committee, entitled:

"An Act relating to home care and respite care; and providing for an effective date."

was read the first time and referred to the State Affairs and Health, Education & Social Services Committees.

SB 285

SENATE BILL NO. 285 by Senators Green and Dyson, entitled:

"An Act relating to medical assistance coverage for targeted case management services and for rehabilitative services furnished or paid for by a school district on behalf of certain children; and providing for an effective date."

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

SB 289

SENATE BILL NO. 289 by Senators Green, Dyson, Bunde, Cowdery, Ogan, and Seekins, entitled:

"An Act extending the termination date of the special education service agency; and providing for an effective date."

was read the first time and referred to the House Special Committee on Education and the Finance Committee.

REPORTS OF STANDING COMMITTEES**HCR 29**

The Judiciary Committee has considered:

HOUSE CONCURRENT RESOLUTION NO. 29

Relating to support for therapeutic courts for repeat driving while under the influence offenders.

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

Do pass (6): Gara, Holm, Gruenberg, Ogg, Anderson, McGuire

No recommendation (1): Samuels

The following fiscal note(s) apply:

1. Zero, Alaska Court System

HCR 29 was referred to the Rules Committee for placement on the calendar.

HB 344

The Finance Committee has considered:

HOUSE BILL NO. 344

"An Act relating to annual rental fees for mining claims, and providing for reduced royalties during the first three years of production."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 344(RES)

"An Act relating to annual rental fees, statements of annual labor, and production royalty for mining claims; and providing a cure for abandonment."

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

Do pass (7): Meyer, Croft, Moses, Fate, Foster, Harris, Williams

No recommendation (3): Hawker, Stoltze, Joule

The following fiscal note(s) apply to CSHB 344(RES):

2. Fiscal, Dept. of Natural Resources

HB 344 was referred to the Rules Committee for placement on the calendar.

HB 367

The Judiciary Committee has considered:

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."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 367(JUD)

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

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

Do pass (3): Anderson, Gara, McGuire

No recommendation (3): Samuels, Gruenberg, Ogg

The following fiscal note(s) apply to CSHB 367(JUD):

1. Fiscal, Dept. of Community & Economic Development
2. Zero, Dept. of Labor & Workforce Development

HB 367 was referred to the Finance Committee.

HB 378

The Finance Committee has considered:

HOUSE BILL NO. 378

"An Act relating to the Alaska Food, Drug, and Cosmetic Act, including sales, advertising, certain devices, food donors, and food banks; making certain violations of organic food provisions and of the Alaska Food, Drug, and Cosmetic Act unfair methods of competition and unfair or deceptive acts or practices under certain of the state's unfair trade practices and consumer protection laws; and providing for an effective date."

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

Do pass (4): Meyer, Fate, Foster, Williams

No recommendation (6): Hawker, Stoltze, Joule, Croft, Moses, Harris

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Fiscal, Dept. of Environmental Conservation

HB 378 was referred to the Rules Committee for placement on the calendar.

HB 385

The Judiciary Committee has considered:

HOUSE BILL NO. 385

"An Act relating to awarding child custody; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 385(JUD)
(same title)

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

Do pass (6): Ogg, Gruenberg, Samuels, Holm, Gara, McGuire

The following fiscal note(s) apply to CSHB 385(JUD):

1. Zero, Alaska Court System

HB 385 was referred to the Rules Committee for placement on the calendar.

HB 389

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 389

"An Act relating to certain monetary advances in which the deposit or other negotiation of certain instruments to pay the advances is delayed until a later date; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 389(L&C)
"An Act relating to certain monetary advances in which the deposit or other negotiation of checks to pay the advances is delayed until a later date; and providing for an effective date."

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

Do pass (2): Rokeberg, Anderson

Do not pass (1): Guttenberg

No recommendation (3): Lynn, Gatto, Dahlstrom

The following fiscal note(s) apply to CSHB 389(L&C):

1. Zero, House Labor & Commerce Committee/Dept. of Community & Economic Development

HB 389 was referred to the Finance Committee.

HB 404

The Finance Committee has considered:

HOUSE BILL NO. 404

"An Act relating to the Alaska Commission on Postsecondary Education; relating to the Alaska Student Loan Corporation; relating to bonds of the corporation; relating to loan and grant programs of the commission; relating to an exemption from the State Procurement Code regarding certain contracts of the commission or corporation; making conforming changes; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 404(HES)
(same title)

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

Do pass (5): Meyer, Hawker, Foster, Harris, Williams

No recommendation (5): Stoltze, Joule, Croft, Moses, Fate

The following fiscal note(s) apply to CSHB 404(HES):

1. Zero, Dept. of Administration
2. Zero, Dept. of Community & Economic Development
4. Zero, Dept. of Labor & Workforce Development
5. Fiscal, Dept. of Education & Early Development

HB 404 was referred to the Rules Committee for placement on the calendar.

HB 451

The Judiciary Committee has considered:

HOUSE BILL NO. 451

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

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

Do pass (7): Gara, Holm, Samuels, Anderson, Gruenberg, Ogg, McGuire

The following fiscal note(s) apply:

1. Zero, Dept. of Administration
2. Zero, Dept. of Corrections
3. Zero, Dept. of Health & Social Services
4. Zero, Dept. of Law
5. Fiscal, Alaska Court System

HB 451 was referred to the Finance Committee.

HB 486

The Resources Committee has considered:

HOUSE BILL NO. 486

"An Act relating to reclamation bonding and financial assurance for certain mines; relating to financial assurance limits for lode mines; establishing the mine reclamation trust fund; and providing for an effective date."

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

Do pass (7): Stepovich, Gatto, Lynn, Guttenberg, Heinze, Masek, Dahlstrom

No recommendation (1): Kerttula

The following fiscal note(s) apply:

1. Zero, Dept. of Natural Resources
2. Fiscal, Dept. of Revenue

HB 486 was referred to the Finance Committee.

HB 495

The Finance Committee has considered:

HOUSE BILL NO. 495

"An Act relating to the four dam pool joint action agency; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 495(FIN)

"An Act allowing a joint action agency to encumber property interests for security purposes; declaring certain joint action agencies to be political subdivisions for certain purposes; restricting the sale of property of the joint action agency; allowing the joint action agency to transfer property to security interest holders under a security interest or to other parties without legislative approval; and providing for an effective date."

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

Do pass (7): Hawker, Joule, Croft, Meyer, Foster, Harris, Williams

No recommendation (3): Stoltze, Moses, Fate

The following fiscal note(s) apply to CSHB 495(FIN):

1. Zero, Dept. of Community & Economic Development

HB 495 was referred to the Rules Committee for placement on the calendar.

HB 514

The Judiciary Committee has considered:

HOUSE BILL NO. 514

"An Act relating to child support modification and enforcement, to the establishment of paternity by the child support enforcement agency, and to the crimes of criminal nonsupport and aiding the nonpayment of child support; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 514(JUD)
(same title)

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

Do pass (5): Gara, Samuels, Gruenberg, Ogg, McGuire

The following fiscal note(s) apply to CSHB 514(JUD):

1. Indeterminate, Dept. of Administration
2. Indeterminate, Alaska Court System
3. Indeterminate, Dept. of Law

HB 514 was referred to the Rules Committee for placement on the calendar.

HB 517

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 517

"An Act relating to registration in beneficiary form of certain security accounts, including certain reinvestment, investment management, and custody accounts."

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

Do pass (4): Lynn, Rokeberg, Dahlstrom, Gatto

No recommendation (1): Crawford

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

HB 517 was referred to the Judiciary Committee.

REPORTS OF SPECIAL COMMITTEES**HCR 32**

The House Special Committee on Economic Development, International Trade, & Tourism has considered:

HOUSE CONCURRENT RESOLUTION NO. 32

Relating to information infrastructure and establishing the Alaska Information Infrastructure Policy Task Force.

and recommends it be replaced with:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 32(EDT)
(same title)

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

Do pass (5): Kott, Kohring, Crawford, Cissna, Heinze

The following fiscal note(s) apply to CSHCR 32(EDT):

1. Zero, University of Alaska
2. Fiscal, Legislative Agency

HCR 32 was referred to the Finance Committee.

HB 478

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 478

"An Act relating to the issuance of commercial fishing interim-use permits; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 478(FSH)
(same title)

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

Do pass (5): Ogg, Heinze, Wilson, Samuels, Seaton

No recommendation (2): Gara, Guttenberg

The following fiscal note(s) apply to CSHB 478(FSH):

1. Zero, Dept. of Fish & Game

HB 478 was referred to the Resources Committee.

HB 512

The House Special Committee on Economic Development, International Trade, & Tourism has considered:

HOUSE BILL NO. 512

"An Act establishing the Hydrogen Energy Partnership in the Department of Community and Economic Development; requiring the commissioner of community and economic development to

seek public and private funding for the partnership; providing for the contingent repeal of an effective date; and providing for an effective date."

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

Do pass (4): Crawford, Cissna, Kott, Heinze

Amend (1): Kohring

The following fiscal note(s) apply:

1. Zero, University of Alaska
2. Fiscal, Dept. of Community & Economic Development

HB 512 was referred to the Finance Committee.

INTRODUCTION OF CITATIONS

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

Honoring - The 2004 Wasilla High School Wrestling Team
By Representatives Stoltze, Kohring, Masek, Gatto; Senators Green, Ogan

Honoring - 4-H Western Regional Leadership Forum
By Senator Green; Representative Stoltze

In Memoriam - Joan M. Hurst
By Representative Crawford

In Memoriam - Denise Selma Asicksik
By Senator Hoffman

In Memoriam - Elena Crisco
By Senator Hoffman

In Memoriam - Nona Nuyalan Amos
By Senator Hoffman; Representative Kapsner

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

HB 528

HOUSE BILL NO. 528 by the House Rules Committee, entitled:

"An Act approving and ratifying the sale of royalty oil by the State of Alaska to Flint Hills Resources Alaska, LLC, and Flint Hills Resources, LLC; and providing for an effective date."

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

HB 529

HOUSE BILL NO. 529 by the House Labor & Commerce Committee, entitled:

"An Act relating to the performance of railroad track construction work for the Department of Transportation and Public Facilities by the Alaska Railroad Corporation."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 29

The following was read the second time:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29

"An Act relating to real estate licensees and real estate transactions; and providing for an effective date."

HOUSE JOURNAL

March 3, 2004

2815

with the:	Journal Page
L&C RPT CS(L&C) 6DP 1NR	2504
FN1: ZERO(CED)	2504
JUD RPT CS(JUD) 4DP 2NR	2736
FN1: ZERO(CED)	2737

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

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
29(JUD)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Gara:

Page 6, line 2:
Delete "and"

Page 6, line 10:
Delete "."
Insert "; and"

Page 6, following line 10:
Insert a new paragraph to read:
"(7) the licensee must act to pursue the represented party's
best interests in the matters for which the licensee is employed by
the represented party."

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

Representative Rokeberg objected.

Representatives Lynn and Rokeberg moved and asked unanimous consent that they be allowed to abstain from voting because of a conflict of interest. Objection was heard, and the members were required to vote.

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

CSSSHB 29(JUD)
Second Reading
Amendment No. 1

YEAS: 16 NAYS: 21 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gatto, Gruenberg, Guttenberg, Joule, Kerttula, Kott, Lynn, Morgan, Moses, Seaton, Wilson

Nays: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Harris, Hawker, Holm, Kohring, Masek, McGuire, Meyer, Ogg, Rokeberg, Samuels, Stepovich, Stoltze, Weyhrauch, Williams, Wolf

Excused: Heinze, Kapsner, Kookesh

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Gara:

Page 2, line 17, following "CONTACT].":

Insert "**The conflict of interest statement must be contained in a separate writing titled "Disclosure of Conflict of Interest."**"

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

Representative Rokeberg objected.

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

CSSSHB 29(JUD)
Second Reading
Amendment No. 2

YEAS: 17 NAYS: 20 EXCUSED: 3 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Joule, Kerttula, Meyer, Moses, Samuels, Seaton, Weyhrauch, Wilson

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

Excused: Heinze, Kapsner, Kookesh

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was offered by Representative Croft:

Page 5, line 13, following "physical condition of":

Insert ", value of,"

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

Representative Rokeberg objected.

Amendment to Amendment No. 3 was offered by Representative Samuels:

Add to the amendment:

Page 5, line 8, following "fact":

Delete "or suspicion"

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

Representative Rokeberg objected.

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

CSSSHB 29(JUD)

Second Reading

Amendment to Amendment No. 3

YEAS: 27 NAYS: 8 EXCUSED: 3 ABSENT: 2

Yeas: Anderson, Berkowitz, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kerttula, Kott, Masek, Meyer, Morgan, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wolf

Nays: Chenault, Foster, Kohring, Lynn, McGuire, Ogg, Rokeberg, Stepovich

Excused: Heinze, Kapsner, Kookesh

Absent: Moses, Wilson

And so, Amendment to Amendment No. 3 was adopted.

Representative Croft moved and asked unanimous consent to withdraw Amendment No. 3 as amended. There being no objection, it was so ordered.

Amendment No. 4 was offered by Representative Berkowitz:

Page 4, line 15, following "licensee":

Delete "and not apparent or readily ascertainable to the person"

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

Representative Rokeberg objected.

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

CSSSHB 29(JUD)

Second Reading

Amendment No. 4

YEAS: 23 NAYS: 12 EXCUSED: 3 ABSENT: 2

Yeas: Anderson, Berkowitz, Cissna, Crawford, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Joule, Kerttula, Kott, Masek, McGuire, Meyer, Morgan, Moses, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson

Nays: Chenault, Coghill, Fate, Foster, Harris, Hawker, Holm, Kohring, Lynn, Ogg, Rokeberg, Samuels

Excused: Heinze, Kapsner, Kookesh

Absent: Croft, Wolf

And so, Amendment No. 4 was adopted.

Amendment No. 5 was offered by Representatives Gruenberg and Croft:

Page 5, lines 7 - 13:

Delete all material.

Reletter the following subsection accordingly.

Representative Gruenberg moved and asked unanimous consent that Amendment No. 5 be adopted.

Objection was heard.

Amendment to Amendment No. 5 was offered by Representative Berkowitz:

Page 4, line 14:

Delete "and (c)"

Representative Berkowitz moved and asked unanimous consent that Amendment to Amendment No. 5 be adopted. There being no objection, it was so ordered.

There being no further objection, Amendment No. 5 as amended was adopted.

Amendment No. 6 was offered by Representative Weyhrauch:

Page 2, line 17, following "CONTACT].":

Insert "**The licensee must also verbally advise the person of the conflict, and begin any written statement of the conflict of interest with these words, underlined and written in bold: "Disclosure of Conflict of Interest."**"

Representative Weyhrauch moved and asked unanimous consent that Amendment No. 6 be adopted. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSSSHB 29(JUD) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSSHB 29(JUD) am was read the third time.

The question being: "Shall CSSSHB 29(JUD) am pass the House?"
The roll was taken with the following result:

CSSSHB 29(JUD) am
Third Reading
Final Passage

YEAS: 29 NAYS: 8 EXCUSED: 3 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Holm, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Berkowitz, Cissna, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Ogg

Excused: Heinze, Kapsner, Kookesh

And so, CSSSHB 29(JUD) 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.

Representative Croft gave notice of reconsideration of the vote on CSSSHB 29(JUD) am.

The Speaker stated that, without objection, the House would revert to:

MESSAGES FROM THE SENATE

A message dated March 3, 2004, was read stating the Senate has passed the following and it is transmitted for consideration:

SB 348

CS FOR SENATE BILL NO. 348(FIN) by the Senate Finance Committee, entitled:

"An Act approving and ratifying the sale of royalty oil by the State of Alaska to Flint Hills Resources Alaska, LLC, and Flint Hills Resources, LLC; and providing for an effective date."

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

SECOND READING OF HOUSE BILLS

(continued)

HB 414

The following was read the second time:

HOUSE BILL NO. 414

"An Act relating to filling the vacancy in the office of United States senator, and to the definition of 'political party.'"

with the:

Journal Page

STA RPT CS(STA) 3DP 1DNP 3NR	2568
FN1: ZERO(GOV)	2568
JUD RPT CS(JUD) NT 5DP 2NR	2643
FN1: ZERO(GOV)	2643

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. 414(JUD)

"An Act relating to filling a vacancy in the office of United States senator, and to the definition of 'political party.'"

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Gruenberg and McGuire:

Page 3, following line 27:

Insert a new bill section to read:

** **Sec. 9.** AS 15.45.010 is amended to read:

Sec. 15.45.010. Provision and scope for use of the initiative. The law-making powers assigned to the legislature, including the power assigned to the legislature by the Seventeenth Amendment to the Constitution of the United States to direct how vacancies in the United States Senate shall be filled, may be exercised by the people through the initiative. However, an initiative may not be proposed to dedicate revenue, to make or repeal appropriations, to create courts, to define the jurisdiction of courts or prescribe their rules, or to enact local or special legislation."

Renumber the following bill sections accordingly.

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

Representative Weyhrauch objected.

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

CSHB 414(JUD)
Second Reading
Amendment No. 1

YEAS: 12 NAYS: 25 EXCUSED: 3 ABSENT: 0

Yeas: Anderson, Berkowitz, Cissna, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Kohring, Masek, McGuire, Moses

Nays: Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Holm, Kott, Lynn, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Heinze, Kapsner, Kookesh
Dahlstrom changed from "Yea" to "Nay".

And so, Amendment No. 1 was not adopted.

ANNOUNCEMENTS

The following meetings today have been changed as indicated:

Judiciary Committee
CHANGED TO: 1:45 p.m., 3/3

Resources Committee
CHANGED TO: 1:45 p.m., 3/3

The Speaker stated that, without objection, the House would recess until 8:30 p.m.; and so, the House recessed at 1:11 p.m.

AFTER RECESS

The Speaker called the House back to order at 8:40 p.m.

SECOND READING OF HOUSE BILLS

(continued)

Representative Heinze, who had previously been excused from a call of the House today, was present.

HB 414

Amendment No. 2 was offered by Representative Berkowitz:

Page 1, line 1 (title amendment):

Delete "**to filling a vacancy in the office of United States senator, and**"

Delete Sections 1 - 8 and 10.

Renumber the remaining section accordingly.

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

Representative McGuire objected.

Representative Berkowitz rose to a point of order.

The Speaker cautioned against impugning the motives of members.

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

CSHB 414(JUD)
Second Reading
Amendment No. 2

YEAS: 9 NAYS: 29 EXCUSED: 2 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Moses

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

Excused: Kapsner, Kookesh

And so, Amendment No. 2 was not adopted.

Representative Coghill moved and asked unanimous consent that CSHB 414(JUD) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Berkowitz objected.

CSHB 414(JUD) will advance to third reading on tomorrow's calendar.

HOUSE BILLS IN SECOND READING

HB 15

The following, which had been held in second reading from the March 1, 2004, calendar (page 2792), was again before the House:

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."

Amendment No. 1 was offered by Representatives Gruenberg and Fate:

Page 2, line 2, following "in":

Insert "the"

Page 2, line 29:

Delete "a"

Insert "the [A]"

Page 4, line 14, following "Commission and":

Insert "the"

Page 7, line 8, following "or":

Insert "repeatedly"

Page 7, line 9:

Delete "repeatedly"

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

Representative Coghill moved and asked unanimous consent that CSHB 15(FIN) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 15(FIN) am was read the third time.

The question being: "Shall CSHB 15(FIN) am pass the House?" The roll was taken with the following result:

CSHB 15(FIN) am
Third Reading
Final Passage

YEAS: 35 NAYS: 1 EXCUSED: 2 ABSENT: 2

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

Nays: Kohring

Excused: Kapsner, Kookesh

Absent: Harris, Williams

And so, CSHB 15(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 15(FIN) am was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 349

The following, which was advanced to third reading from the March 1, 2004, calendar (page 2793), was read the third time:

CS FOR HOUSE BILL NO. 349(JUD) am
"An Act amending Rule 412, Alaska Rules of Evidence."

Representative Kerttula moved and asked unanimous consent that CSHB 349(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 2. There being no objection, it was so ordered.

Amendment No. 2 was offered by Representative Kerttula:

Page 2, lines 2 and 12, following "**shows**":

Insert "**by clear and convincing evidence**"

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

Representative Samuels objected.

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

CSHB 349(JUD) am
Second Reading
Amendment No. 2

YEAS: 12 NAYS: 26 EXCUSED: 2 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kerttula, Masek, Moses, Weyhrauch

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

Excused: Kapsner, Kookesh

And so, Amendment No. 2 was not adopted.

Representative Kerttula moved and asked unanimous consent that CSHB 349(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 3. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Kerttula:

Page 2, line 6, following "**requirement**:" insert "**and**"

"(iii) the prosecution informs the trier of fact of any violations of law, including violations of constitutional rights that occurred in obtaining the statement;"

Page 2, line 14, following "**appropriate**":

Insert "**, and informs the trier of fact of any violations of law, including violations of constitutional rights that occurred in obtaining the statement**"

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

Representative Samuels objected.

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

CSHB 349(JUD) am
Second Reading
Amendment No. 3

YEAS: 14 NAYS: 23 EXCUSED: 2 ABSENT: 1

Yeas: Berkowitz, Cissna, Coghill, Crawford, Croft, Gara, Gruenberg, Guttenberg, Heinze, Joule, Kerttula, Kott, Masek, Moses

Nays: Anderson, Chenault, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Holm, Kohring, Lynn, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Wilson, Wolf

Excused: Kapsner, Kookesh

Absent: Williams

And so, Amendment No. 3 was not adopted.

Representative Berkowitz moved and asked unanimous consent that CSHB 349(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 4. There being no objection, it was so ordered.

Amendment No. 4 (to CSHB 349(JUD) am (page 2792)) was offered by Representative Berkowitz:

Page 1, line 15 and page 2, line 12:

Delete "**, codefendant, or a former defendant in the case**"

Page 2, line 14:

Delete "**codefendant, or a former defdant,**"

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

Representative Samuels objected.

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

CSHB 349(JUD) am
Second Reading
Amendment No. 4

YEAS: 9 NAYS: 28 EXCUSED: 2 ABSENT: 1

Yeas: Berkowitz, Cissna, Gruenberg, Guttenberg, Heinze, Kerttula, Kott, Masek, Moses

Nays: Anderson, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Harris, Hawker, Holm, Joule, Kohring, Lynn, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Wilson, Wolf

Excused: Kapsner, Kookesh

Absent: Williams

And so, Amendment No. 4 was not adopted.

Representative Gruenberg moved and asked unanimous consent that CSHB 349(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 5. There being no objection, it was so ordered.

Amendment No. 5 was offered by Representatives Gruenberg and Samuels:

Page 2, line 14, following "**former defdant**":

Insert "**in the case**"

Representative Gruenberg moved and asked unanimous consent that Amendment No. 5 be adopted. There being no objection, it was so ordered.

Representative Samuels placed a call of the House.

The call was satisfied.

The question being: "Shall CSHB 349(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 349(JUD) am
Third Reading
Final Passage

YEAS: 34 NAYS: 4 EXCUSED: 2 ABSENT: 0

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

Nays: Gara, Guttenberg, Kerttula, Moses

Excused: Kapsner, Kookesh

And so, CSHB 349(JUD) 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 court rule change. There being no objection, it was so ordered.

CSHB 349(JUD) am was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

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

Honoring - The Conference of Alaskans

By Representatives Guttenberg, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Gara, Gruenberg, Harris, Hawker, Heinze, Joule, Kerttula, Kookesh, Lynn, McGuire, Meyer, Morgan, Ogg, Samuels, Seaton, Williams, Wilson, Wolf

UNFINISHED BUSINESS

Representative Coghill moved and asked unanimous consent that the following members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Cissna - from 6:30 a.m., March 5 to 10:00 a.m., plane time, March 7, 2004

Representative Williams - from 9:00 a.m., March 5 to 10:00 p.m., plane time, March 7, 2004

Representative Heinze - from 7:30 p.m., March 5 to 10:00 p.m., plane time, March 7, 2004

Representative Anderson - from evening plane time, March 5 to morning plane time, March 8, 2004

Representative Holm - from 7:00 p.m., March 5 to 9:30 a.m., plane time, March 8, 2004

Representative Wolf - from 7:00 p.m., March 5 to 9:30 a.m., plane time, March 8, 2004

Representative McGuire - from 7:30 p.m., March 5 to 7:00 p.m., plane time, March 9, 2004

Representative Coghill - from 7:00 a.m., March 6 to 9:00 p.m., plane time, March 7, 2004

Representative Wilson - from morning plane time, March 6 to morning plane time, March 7, 2004

Representative Gruenberg - from 7:00 a.m., March 6 to 10:00 a.m., plane time, March 9, 2004

HB 514

The Speaker added a Finance Committee referral for the following:

HOUSE BILL NO. 514

"An Act relating to child support modification and enforcement, to the establishment of paternity by the child support enforcement agency, and to the crimes of criminal nonsupport and aiding the nonpayment of child support; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date."

HB 514 was removed from the Rules Committee and referred to the Finance Committee.

HCR 31

Representative Morgan added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 31

Proclaiming March 2004 as Traumatic Brain Injury Awareness Month.

HB 15

Representative Gruenberg added his name as cosponsor to:

CS FOR HOUSE BILL NO. 15(FIN) am

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

HB 29

Representative Lynn added his name as cosponsor to:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29(JUD) am

"An Act relating to real estate licensees and real estate transactions; and providing for an effective date."

HB 91

Representative Hawker added his name as cosponsor to:

HOUSE BILL NO. 91

"An Act relating to a cost-of-living allowance and medical benefits for retired peace officers after 20 years of credited service."

HB 344

Representative Croft added his name as cosponsor to:

HOUSE BILL NO. 344

"An Act relating to annual rental fees for mining claims, and providing for reduced royalties during the first three years of production."

HB 385

Representative Holm added his name as cosponsor to:

HOUSE BILL NO. 385

"An Act relating to awarding child custody; and providing for an effective date."

HB 495

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 495

"An Act relating to the four dam pool joint action agency; and providing for an effective date."

SB 348

Representatives Coghill and Morgan added their names as cross sponsors to:

CS FOR SENATE BILL NO. 348(FIN)

"An Act approving and ratifying the sale of royalty oil by the State of Alaska to Flint Hills Resources Alaska, LLC, and Flint Hills Resources, LLC; and providing for an effective date."

ENGROSSMENT**HB 15**

CSHB 15(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 349

CSHB 349(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT**HB 374**

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 1:20 p.m., March 2, 2004:

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."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

Majority Caucus Speaker's Chamber upon adj., 3/3

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 4, 2004. There being no objection, the House adjourned at 10:24 p.m.

Suzi Lowell
Chief Clerk