

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Monday

April 19, 2004

Ninety-ninth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 11:15 a.m.

Roll call showed 35 members present. Representative Kapsner had been previously excused from a call of the House today. Representatives Berkowitz, Gara, Guttenberg, and Williams were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Kott be excused from a call of the House from 12:12 p.m. to 10:00 p.m. today. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Pastor John Stevens of Resurrection Lutheran Church. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With the deepest respect and honor for the religious beliefs of all Alaskans, I offer the following prayer.

Creator and Redeemer,

Thank You. There is so much more I could say. But on this day, I offer up my thanks to You. Thank You for creation. Thank You for life. Thank You for humanity. Thank You for giving us the gifts, talents, and abilities that help us function in this world. And thank You for giving us the desire to use

what You have given us for the bettering of the world. Be in the work, and with the workers found here today. Give them Your strength. I ask this in the name of the one that I know, Jesus, the Christ. Amen.

The Pledge of Allegiance was led by Representative Ogg.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 95th, 96th, 97th, and 98th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HB 349

A message dated April 15, 2004, was read stating the Senate has passed CSHB 349(JUD) am with the following amendment and it is transmitted for consideration:

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

CSHB 349(JUD) am is under Unfinished Business.

Messages dated April 16, 2004, were read stating the Senate has passed the following and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE RESOLUTIONS

SJR 25

SENATE JOINT RESOLUTION NO. 25 by Senator Olson:

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

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

**The presence of Representative Guttenberg was noted.

FIRST READING AND REFERENCE OF SENATE BILLS

SB 351

CS FOR SENATE BILL NO. 351(FIN) by the Senate Finance Committee, entitled:

"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."

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

SB 357

CS FOR SENATE BILL NO. 357(FIN) by the Senate Finance Committee, entitled:

"An Act relating to the regulation of insurance, insurance licenses, qualifications of insurance producers, surplus lines, fraud investigations, electronic transactions, and compliance with federal law and national standards; and providing for an effective date."

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

COMMUNICATIONS

The following was received:

Dept. of Natural Resources
Office of the Commissioner
Determination to Take Royalty Oil
and Gas In-Value
April 12, 2004
(as required by AS 38.05.182)

**The presence of Representative Williams was noted.

REPORTS OF STANDING COMMITTEES**HB 275**

The Judiciary Committee has considered:

HOUSE BILL NO. 275
"An Act relating to veterinarians and animals."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 275(JUD)
"An Act relating to animals; and to the care of and to cruelty to
animals."

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

Do pass (2): Gruenberg, McGuire

No recommendation (2): Samuels, Holm

The following fiscal note(s) apply to CSHB 275(JUD):

1. Zero, Dept. of Law
3. Zero, Dept. of Environmental Conservation
4. Zero, Dept. of Public Safety
5. Indeterminate, Dept. of Administration

HB 275 was referred to the Finance Committee.

**The presence of Representative Berkowitz was noted.

HB 333

The Finance Committee has considered:

HOUSE BILL NO. 333

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

and recommends it be replaced with:

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."

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

Do pass (3): Fate, Foster, Williams

No recommendation (6): Meyer, Stoltze, Joule, Moses, Chenault, Harris

Amend (1): Hawker

The following fiscal note(s) apply to CSHB 333(FIN):

1. Fiscal, Dept. of Education & Early Development
4. Fiscal, University of Alaska
5. Fiscal, Dept. of Natural Resources
6. Fiscal, Dept. of Natural Resources
7. Fiscal, Dept. of Natural Resources
8. Zero, Dept. of Revenue
9. Fiscal, Dept. of Revenue

HB 333 was referred to the Rules Committee for placement on the calendar.

HB 334

The Rules Committee has considered:

HOUSE BILL NO. 334

"An Act relating to unlawful exploitation of a minor."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 334(RLS)

"An Act relating to unlawful exploitation of a minor and to distribution of child pornography."

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

Do pass (2): Coghill, Rokeberg

No recommendation (4): Berkowitz, Morgan, Kerttula, McGuire

The following fiscal note(s) apply to CSHB 334(RLS):

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

HB 334 is on today's calendar.

HB 367

The Finance 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(FIN)

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

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

Do pass (3): Meyer, Harris, Williams

No recommendation (6): Hawker, Stoltze, Moses, Chenault, Fate, Foster

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

2. Zero, Dept. of Labor & Workforce Development
3. Zero, Dept. of Public Safety
4. Fiscal, Dept. of Community & Economic Development

HB 367 was referred to the Rules Committee for placement on the calendar.

HB 381

The Judiciary Committee has considered:

HOUSE BILL NO. 381

"An Act relating to child endangerment."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 381(JUD)
(same title)

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

Do pass (4): Samuels, Holm, Gruenberg, McGuire

The following fiscal note(s) apply to CSHB 381(JUD):

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

HB 381 was referred to the Finance Committee.

HB 395

The Resources Committee has considered:

HOUSE BILL NO. 395

"An Act relating to shallow natural gas leasing and the regulation of shallow natural gas operations."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 395(RES)

"An Act relating to the recovery of shallow natural gas, to the regulation of shallow natural gas or coal bed methane operations, and to oil and gas leasing operations involving activities not governed under the Alaska Land Act; contingently redesignating shallow natural gas as nonconventional gas, and relating to the regulation of that gas under that contingency; and providing for an effective date."

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

Do pass (2): Lynn, Gatto

No recommendation (3): Wolf, Dahlstrom, Masek

The following fiscal note(s) apply to CSHB 395(RES):

2. Fiscal, Dept. of Natural Resources

HB 395 was referred to the Judiciary Committee.

HB 498

The Resources Committee has considered:

HOUSE BILL NO. 498

"An Act requiring the sale or trade of state land."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 498(RES)

(same title)

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

Do pass (1): Gatto

No recommendation (4): Wolf, Lynn, Masek, Dahlstrom

The following fiscal note(s) apply to CSHB 498(RES):

1. Fiscal, Dept. of Natural Resources

HB 498 was referred to the Finance Committee.

HB 533

The Finance Committee has considered:

HOUSE BILL NO. 533

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

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 533(JUD)

(same title)

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

Do pass (7): Meyer, Hawker, Chenault, Fate, Foster, Harris, Williams

No recommendation (2): Stoltze, Moses

The following fiscal note(s) apply to CSHB 533(JUD):

1. Indeterminate, Alaska Court System
2. Indeterminate, Dept. of Fish & Game
3. Indeterminate, Dept. of Health & Social Services
4. Fiscal, Dept. of Law

HB 533 was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Gara was noted.

HB 539

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 539

"An Act exempting a person who allows a student of the University of Alaska to gain practical work experience with the person while participating in a practicum from vicarious liability as an employer, and exempting the student participating in a practicum from the Alaska Wage and Hour Act and workers' compensation coverage."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 539(L&C)

"An Act exempting a person who allows a student of the University of Alaska to gain practical work experience with the person while participating in a practicum from vicarious liability as an employer, and exempting the student participating in a practicum from the Alaska Wage and Hour Act; and providing for an effective date."

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

Amend (7): Crawford, Lynn, Gatto, Rokeberg, Dahlstrom, Guttenberg, Anderson

The following fiscal note(s) apply to CSHB 539(L&C):

1. Zero, Dept. of Law
2. Zero, Dept. of Labor & Workforce Development
3. Zero, Dept. of Labor & Workforce Development
4. Zero, University of Alaska

HB 539 was referred to the Judiciary Committee.

SB 309

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 309(JUD) am
"An Act relating to testing the blood of prisoners and those in custody for bloodborne pathogens."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 309(STA)
(same title)

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

Do pass (3): Seaton, Lynn, Holm

No recommendation (2): Coghill, Weyhrauch

The following fiscal note(s) apply to HCS CSSB 309(STA):

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

CSSB 309(JUD) am was referred to the Judiciary Committee.

REPORTS OF SPECIAL COMMITTEES**HB 551**

The House Special Committee on Education has considered:

HOUSE BILL NO. 551

"An Act relating to the issuance of teacher certificates to and revocation of teacher certificates of persons convicted of felony drug offenses and to the issuance of limited teacher certificates to persons convicted of certain crimes involving a minor and felony drug offenses."

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

Do pass (1): Wolf

No recommendation (1): Ogg

Amend (2): Seaton, Gatto

The following fiscal note(s) apply:

1. Fiscal, Dept. of Education & Early Development

HB 551 was referred to the Judiciary Committee.

INTRODUCTION OF CITATIONS

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

Honoring - Jim Douglas
By Representatives Weyhrauch, Kerttula; Senator Elton

Honoring - Valdez Academic Decathlon Team
By Representative Harris

Honoring - King Cove Girls Basketball Squad
By Representative Moses

Honoring - Valdez High School Boys Basketball Team
By Representative Harris

Honoring - Valdez High School Student Participants in the Career and
Technical Student Organization, Performance Based Assessment
Conference
By Representative Harris

Honoring - Peters Creek Christian Center, Emergency Locator
Program
By Representatives Stoltze, Dahlstrom; Senators Ogan, Dyson

Honoring - 50 Years of Service, Butte Volunteer Fire Department
By Representative Stoltze; Senator Ogan

Honoring - The 20th Anniversary of Sacks Café & Restaurant, JoAnn
Asher, Proprietor
By Representative Berkowitz

Honoring - Team Alaska, United States Curling Association, Mixed
National Champions
By Representative Holm

Honoring - Nine Star Enterprises - Mountain View
By Representative Gruenberg

Honoring - Kenneth J. Woldstad
By Senator Therriault

In Memoriam - Bruce Crawford
By Representative Gruenberg

In Memoriam - Charles "Chuck" Unsworth Sr.
By Representatives Stoltze, Kott, Dahlstrom; Senators Ogan, Dyson

In Memoriam - Mary Priscilla Anuralria "Lala" Andrew Hunter
By Senator Hoffman; Representative Kapsner

In Memoriam - Esther Shea
By Senator Stedman; Representative Williams

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

Honoring - Hattie L. Gardner
By Senator Davis

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

HB 555

HOUSE BILL NO. 555 by the House Rules Committee, entitled:

"An Act relating to occupational licensing fees and receipts."

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

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 227

The following was read the second time:

HOUSE BILL NO. 227

"An Act increasing the jurisdictional limit for small claims and for magistrates from \$7,500 to \$10,000; increasing the jurisdictional limit of district courts in certain civil cases from \$50,000 to \$75,000; and amending Rule 11(a)(4), Alaska District Court Rules of Civil Procedure, relating to service of process for small claims."

with the:

Journal Page

L&C RPT 3DP 3NR 1AM	2372
FN1: INDETERMINATE(CRT)	2373
JUD RPT CS(JUD) NT 1DP 4NR	2562
FN1: INDETERMINATE(CRT)	2563
FIN RPT CS(JUD) NT 4DP 3NR	3245
FN1: INDETERMINATE(CRT)	3246

The Rules Committee submitted the following fiscal note for CSHB 227(JUD):

2. Indeterminate, Alaska Court System

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. 227(JUD)

"An Act increasing the jurisdictional limit for small claims and for magistrates from \$7,500 to \$10,000; increasing the jurisdictional limit of district courts in certain civil cases from \$50,000 to \$100,000; expanding the jurisdiction of district courts; limiting magistrates from hearing certain small claims cases; and amending Rule 11(a)(4), Alaska District Court Rules of Civil Procedure, relating to service of process for small claims."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 227(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 227(JUD) was read the third time.

The question being: "Shall CSHB 227(JUD) pass the House?" The roll was taken with the following result:

CSHB 227(JUD)

Third Reading

Final Passage

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

Yeas: 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, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kapsner

Absent: Anderson, Moses

And so, CSHB 227(JUD) passed the House.

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

CSHB 227(JUD) was referred to the Chief Clerk for engrossment.

HB 334

The following was read the second time:

HOUSE BILL NO. 334

"An Act relating to unlawful exploitation of a minor."

with the:	Journal Page
JUD RPT CS(JUD) NT 5DP 1NR 1AM	2980
FN1: ZERO(ADM)	2981
FN2: ZERO(COR)	2981
FN3: ZERO(LAW)	2981
RLS RPT CS(RLS) NT 2DP 4NR	3358
FN1: ZERO(ADM)	3358
FN2: ZERO(COR)	3358
FN3: ZERO(LAW)	3358

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. 334(RLS)

"An Act relating to unlawful exploitation of a minor and to distribution of child pornography."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 334(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 334(RLS) was read the third time.

The question being: "Shall CSHB 334(RLS) pass the House?" The roll was taken with the following result:

CSHB 334(RLS)

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, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kapsner

Absent: Moses

And so, CSHB 334(RLS) passed the House and was referred to the Chief Clerk for engrossment.

HB 534

The following was read the second time:

HOUSE BILL NO. 534

"An Act extending the termination date of the office of victims' rights."

with the:

Journal Page

JUD RPT 7DP	3053
FN1: ZERO(LEG)	3053
FIN RPT CS(FIN) NT 8DP	3223
FN2: (LEG)	3224

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. 534(FIN)

"An Act repealing the scheduled termination date of the office of victims' rights."

Representative Berkowitz objected.

The question being: "Shall CSHB 534(FIN) be adopted in lieu of the original bill?" The roll was taken with the following result:

HB 534

Second Reading

Adopt Finance CS

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

Yeas: Anderson, Chenault, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Heinze, Holm, Joule, Kerttula, Kott, Lynn, McGuire, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wolf

Nays: Berkowitz, Cissna, Gara, Gruenberg, Guttenberg, Kohring, Kookesh, Masek, Meyer, Weyhrauch, Wilson

Excused: Kapsner

And so, the Finance committee substitute was adopted.

Representative Coghill moved and asked unanimous consent that CSHB 534(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 534(FIN) was read the third time.

The question being: "Shall CSHB 534(FIN) pass the House?" The roll was taken with the following result:

CSHB 534(FIN)
Third Reading
Final Passage

YEAS: 38 NAYS: 1 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, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Kohring

Excused: Kapsner

And so, CSHB 534(FIN) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 277

The Speaker stated that, without objection, the following would be returned to the Rules Committee:

CS FOR SENATE BILL NO. 277(FIN)

"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."

THIRD READING OF HOUSE BILLS

HB 423

The following, which was advanced to third reading from the April 19, 2004, calendar (page 3334), was read the third time:

CS FOR HOUSE BILL NO. 423(JUD)

"An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage."

Representative Gruenberg moved and asked unanimous consent that CSHB 423(JUD) 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 Representatives Gruenberg and Anderson:

Page 2, line 18:

Delete "or"

Page 2, line 20, following "coverage":

Insert "; or

(3) limit the ability of a person to recover damages under any applicable liability insurance coverage purchased by or on behalf of the person being transported under (a) of this section"

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

Objection was heard and withdrawn. There being no further objection, Amendment No. 2 was adopted.

The question being: "Shall CSHB 423(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 423(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 423(JUD) am passed the House and was referred to the Chief Clerk for engrossment.

**Representative Kott, who had been previously excused (page 3353), left the Chamber.

HB 549

The following, which was advanced to third reading from the April 14, 2004, calendar (page 3338), was read the third time:

CS FOR HOUSE BILL NO. 549(JUD)

"An Act relating to unsolicited communications following an aircraft accident."

Representative Berkowitz moved and asked unanimous consent that CSHB 549(JUD) be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

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

Page 1, following line 15:

Insert a new subsection to read:

"(c) During the 45-day period described in (a) of this section, an agent or representative of an air carrier or its insurer may not contact an individual injured in the accident or a relative of an individual involved in the accident for the purpose of offering or discussing the final settlement of any claim."

Reletter the following subsections accordingly.

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

Objection was heard.

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

Objection to Amendment No. 1 was withdrawn. There being no further objection, Amendment No. 1 was adopted.

Representative Berkowitz moved and asked unanimous consent that CSHB 549(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 Representatives Berkowitz and Kerttula:

Page 2, line 1, following "misdemeanor":

Delete "and, upon conviction, is punishable only by a fine of \$10,000"

Page 2, line 4, following "felony":

Delete "and, upon conviction, is punishable only by a fine of \$100,000"

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

Representative Gruenberg objected.

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

CSHB 549(JUD) am
Second Reading
Amendment No. 2

YEAS: 23 NAYS: 11 EXCUSED: 2 ABSENT: 4

April 19, 2004

3375

Yeas: Anderson, Berkowitz, Cissna, Crawford, Dahlstrom, Fate, Guttenberg, Hawker, Heinze, Kerttula, Kookesh, Lynn, Masek, McGuire, Meyer, Moses, Ogg, Rokeberg, Samuels, Seaton, Weyhrauch, Williams, Wilson

Nays: Coghill, Foster, Gatto, Gruenberg, Holm, Joule, Kohring, Morgan, Stepovich, Stoltze, Wolf

Excused: Kapsner, Kott

Absent: Chenault, Croft, Gara, Harris

Kohring changed from "Yea" to "Nay".

And so, Amendment No. 2 was adopted.

The question being: "Shall CSHB 549(JUD) am pass the House?"
The roll was taken with the following result:

CSHB 549(JUD) am
Third Reading
Final Passage

YEAS: 27 NAYS: 10 EXCUSED: 2 ABSENT: 1

Yeas: Anderson, Chenault, Coghill, Crawford, Dahlstrom, Fate, Foster, Gara, Gatto, Harris, Hawker, Heinze, Holm, Joule, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf

Nays: Berkowitz, Cissna, Gruenberg, Guttenberg, Kerttula, Kohring, Kookesh, Lynn, Masek, Weyhrauch

Excused: Kapsner, Kott

Absent: Croft

And so, CSHB 549(JUD) am passed the House.

Representative Gruenberg gave notice of reconsideration of the vote on CSHB 549(JUD) am.

LEGISLATIVE CITATIONS

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

In Memoriam - Leroy Blondin

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

CONCUR IN SENATE AMENDMENTS**HB 349**

Representative Foster moved and asked unanimous consent that the House consider the Senate message (page 3354) on the following at this time:

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

and

SENATE CS FOR CS FOR HOUSE BILL NO. 349(JUD)
(same title)

There being no objection, it was so ordered.

Representative Foster moved that the House concur in the Senate amendment to CSHB 349(JUD) am, thus adopting SCS CSHB 349(JUD), and recommended that the members vote yes.

The question being: "Shall the House concur in the Senate amendment to CSHB 349(JUD) am?" The roll was taken with the following result:

SCS CSHB 349(JUD)

Concur

YEAS: 32 NAYS: 0 EXCUSED: 2 ABSENT: 6

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

Excused: Kapsner, Kott

Absent: Anderson, Chenault, Cissna, Croft, Moses, Rokeberg

And so, the House concurred in the Senate amendment, thus adopting SCS CSHB 349(JUD).

The Chief Clerk notified the Senate.

SCS CSHB 349(JUD) was referred to the Chief Clerk for enrollment.

SPECIAL ORDER OF BUSINESS

Representative Foster moved and asked unanimous consent that the notice and publication requirements be waived and the citation, Honoring - Hattie L. Gardner, be taken up as a Special Order of Business at this time. There being no objection, it was so ordered.

Representative Foster 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 - Hattie L. Gardner

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

UNFINISHED BUSINESS**HB 334**

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

CS FOR HOUSE BILL NO. 334(RLS)

"An Act relating to unlawful exploitation of a minor and to distribution of child pornography."

HB 359

Representative Lynn added his name as cosponsor to:

HOUSE BILL NO. 359

"An Act relating to certain civil actions by or on behalf of members of the military services; and providing for an effective date."

HB 423

Representative Lynn added his name as cosponsor to:

CS FOR HOUSE BILL NO. 423(JUD) am

"An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage."

HB 467

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 467

"An Act establishing an Alaska Commemorative Coin Commission to develop the design concepts and to make recommendations regarding the final design of the Alaska quarter under the 50 States Commemorative Coin Program Act; and providing for an effective date."

HB 474

Representative Heinze added her name as cosponsor to:

HOUSE BILL NO. 474

"An Act relating to civil liability associated with aircraft runways, airfields, and landing areas."

HB 476

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 476

"An Act establishing the Alaska Statehood Celebration Commission; and providing for an effective date."

HB 493

Representative Holm added his name as cosponsor to:

HOUSE BILL NO. 493

"An Act relating to adoption and revision of a long-term fiscal plan for the State of Alaska."

HB 500

Representative Holm added his name as cosponsor to:

HOUSE BILL NO. 500

"An Act relating to medical review organizations; and providing for an effective date."

ENGROSSMENT**HB 227**

CSHB 227(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 334

CSHB 334(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 423

CSHB 423(JUD) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 534

CSHB 534(FIN) 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.

The following meetings today have been changed as indicated:

Resources Committee

CHANGED TO:

1:45 p.m., 4/19

Judiciary Committee

CANCELED:

1:00 p.m., 4/19

ADJOURNMENT

Representative Foster moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 21, 2004. There being no objection, the House adjourned at 1:21 p.m.

Suzi Lowell
Chief Clerk