

**ALASKA STATE LEGISLATURE  
HOUSE RULES STANDING COMMITTEE**

May 12, 2003  
11:06 a.m.

**MEMBERS PRESENT**

Representative Norman Rokeberg, Chair  
Representative Pete Kott  
Representative John Coghill  
Representative Lesil McGuire  
Representative Carl Morgan  
Representative Ethan Berkowitz  
Representative Beth Kerttula

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE JOINT RESOLUTION NO. 22

Relating to the USA PATRIOT Act and to defending the Bill of Rights, the Constitution of the State of Alaska, and civil liberties.

- MOVED CSHJR 22(RLS) OUT OF COMMITTEE

**PREVIOUS ACTION**

BILL: HJR 22

SHORT TITLE: PATRIOT ACT AND DEFENDING CIVIL LIBERTIES

SPONSOR(S): REPRESENTATIVE(S) GUTTENBERG

Jrn-Date	Jrn-Page		Action
04/02/03	0737	(H)	READ THE FIRST TIME - REFERRALS
04/02/03	0737	(H)	STA, JUD
04/07/03	0830	(H)	COSPONSOR(S): CRAWFORD
04/23/03	1078	(H)	COSPONSOR(S): KERTTULA
05/06/03	1345	(H)	STA RPT 3DP 3NR
05/06/03	1345	(H)	DP: SEATON, GRUENBERG, WEYHRAUCH;
05/06/03	1345	(H)	NR: HOLM, LYNN, DAHLSTROM
05/06/03	1345	(H)	FN1: ZERO(LAW)
05/06/03		(H)	STA AT 8:00 AM CAPITOL 102
05/06/03		(H)	Moved Out of Committee --

Recessed to 5:30 PM --  
MINUTE(STA)  
05/08/03 1479 (H) FIRST COSPONSOR(S): COGHILL  
05/09/03 1522 (H) COSPONSOR(S): HOLM, MCGUIRE  
05/09/03 (H) JUD AT 1:00 PM CAPITOL 120  
05/09/03 (H) Moved CSHJR 22(JUD) Out of  
Committee Recessed to a call  
of the Chair  
MINUTE(JUD)  
05/10/03 1532 (H) JUD RPT CS(JUD) NT 7DP  
05/10/03 1532 (H) DP: SAMUELS, HOLM, GARA, OGG,  
05/10/03 1532 (H) GRUENBERG, ANDERSON, MCGUIRE  
05/10/03 1532 (H) FN1: ZERO(LAW)  
05/12/03 1555 (H) RLS RPT CS(RLS) NT 6DP 1NR  
05/12/03 1555 (H) DP: MCGUIRE, BERKOWITZ, KOTT,  
COGHILL,  
05/12/03 1555 (H) MORGAN, KERTTULA; NR:  
ROKEBERG  
05/12/03 1556 (H) FN1: ZERO(LAW)  
05/12/03 1576 (H) RULES TO CALENDAR 5/12/2003  
05/12/03 1576 (H) READ THE SECOND TIME  
05/12/03 1576 (H) RLS CS ADOPTED UNAN CONSENT  
05/12/03 1576 (H) ADVANCED TO THIRD READING  
UNAN CONSENT  
05/12/03 1577 (H) READ THE THIRD TIME CSHJR  
22(RLS)  
05/12/03 1577 (H) PASSED Y32 N1 E 4 A3  
05/12/03 1580 (H) COSPONSOR(S): OGG, SAMUELS,  
GARA,  
05/12/03 1580 (H) GRUENBERG  
05/12/03 1581 (H) TRANSMITTED TO (S)  
05/12/03 1581 (H) VERSION: CSHJR 22(RLS)  
05/12/03 (H) RLS AT 10:45 AM FAHRENKAMP  
203

**WITNESS REGISTER**

REPRESENTATIVE DAVID GUTTENBERG  
Alaska State Legislature  
Capitol Building  
Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HJR 22.

**ACTION NARRATIVE**

**TAPE 03-5, SIDE A**  
Number 0001

**CHAIR NORMAN ROKEBERG** called the House Rules Standing Committee meeting to order at 11:06 a.m. Representatives Rokeberg, Coghill, McGuire, and Morgan were present at the call to order. Representatives Kott, Berkowitz, and Kerttula arrived as the meeting was in progress.

HJR 22-PATRIOT ACT AND DEFENDING CIVIL LIBERTIES

CHAIR ROKEBERG announced that the only order of business would be HOUSE JOINT RESOLUTION NO. 22, Relating to the USA PATRIOT Act and to defending the Bill of Rights, the Constitution of the State of Alaska, and civil liberties.

Number 008

REPRESENTATIVE MCGUIRE moved to adopt CSHJR 22, Version 23-LS0924\I, Cook, 5/12/03, as the working document. There being no objection, Version I was before the committee.

Number 015

REPRESENTATIVE DAVID GUTTENBERG, Alaska State Legislature, spoke as the sponsor of HJR 22. Representative Guttenberg noted that he and Representative Coghill have been working on this resolution. In the House Judiciary Standing Committee there was an amendment that resulted in an unfortunate language change. Version I clarifies the language change. He directed attention to page 2, line 29-page 3, line 6.

REPRESENTATIVE COGHILL directed attention to page 2, line 31, and pointed out that the language "unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct". The aforementioned was really what the House Judiciary Standing Committee was attempting to get out. Representative Coghill said that the racial profiling issue is a sticky issue and he wanted to ensure that any investigative activities would have to be the result of the suspicion that it was part of the issue.

REPRESENTATIVE GUTTENBERG, in response to Chair Rokeberg, specified that the racial profiling section is a rewrite of the previous version regarding when it's appropriate and inappropriate.

REPRESENTATIVE COGHILL pointed out that the House Judiciary Standing Committee attempted to [address racial profiling] with the language "without compelling justification". Version I clarifies under what justification [racial profiling] may be used.

CHAIR ROKEBERG noted that there is an intellectual debate with regard to the topic of racial profiling and what it means to people and how law enforcement undertake it.

Number 089

REPRESENTATIVE BERKOWITZ related that it seems that the title of this legislation could leave out the reference to the Bill of Rights and the Constitution of the State of Alaska. He specified that he didn't want to open the door to any constitutional amendments.

REPRESENTATIVE COGHILL said that it's his commitment to ensure that this resolution moves forward as it is, and if any mischief occurs, "we will throw the anchor on it."

REPRESENTATIVE BERKOWITZ remarked that Representative Coghill's commitment is good enough for him.

CHAIR ROKEBERG informed the committee that the committee packet includes a document from Jennifer Rudinger, Executive Director, Alaska Civil Liberties Union.

Number 117

REPRESENTATIVE MCGUIRE moved to report CSHJR 22, Version 23-LS0924\I, Cook, 5/12/03, out of committee with individual recommendations and the accompanying zero fiscal notes. There being no objection, CSHJR 22(RLS) was reported from the House Rules Standing Committee.

#### **ADJOURNMENT**

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at 11:12 a.m.