

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Tuesday

April 12, 2005

#### Ninety-third Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:14 a.m.

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

The invocation was sung by the Chaplain, Sherry Patterson of the Church for All Nations. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

#### The Lord's Prayer

Our Father who art in heaven  
Hallowed be Thy name  
Thy kingdom come, Thy will be done  
On earth as it is in heaven  
Give us this day  
Our daily bread  
And forgive us our debts  
As we forgive our debtors  
And lead us not into temptation  
But deliver us from evil  
For Thine is the kingdom  
And the power  
And the glory  
Forever  
Amen

The Pledge of Allegiance was led by Representative Dahlstrom.

### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 92nd legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

#### **SB 42**

A message dated April 9, 2005, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 42

"An Act extending the reporting date for and the termination date of the Task Force on Naturopathic Scope of Practice; and providing for an effective date."

Chapter No. 7, SLA 2005

Effective Date: April 10, 2005

#### **SB 60**

A message dated April 9, 2005, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE BILL NO. 60

"An Act extending the termination date of the Statewide Suicide Prevention Council; and providing for an effective date."

Chapter No. 8, SLA 2005

Effective Date: April 10, 2005

### **MESSAGES FROM THE SENATE**

#### **HJR 8**

A message dated April 11, 2005, was read stating the Senate has passed:

**HOUSE JOINT RESOLUTION NO. 8**

Expressing support of Alaska Army National Guard soldiers deployed worldwide.

HJR 8 was referred to the Chief Clerk for enrollment.

**REPORTS OF STANDING COMMITTEES****HJR 9**

The Judiciary Committee has considered:

**HOUSE JOINT RESOLUTION NO. 9**

Urging the United States Congress to honor the process and judgment of the federal courts in the case of the Exxon Valdez disaster and to refrain from enacting legislation that would affect the outcome of the courts' resolution of the case.

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

Do pass (4): Gruenberg, Anderson, Coghill, Gara

No recommendation (3): Kott, Dahlstrom, McGuire

The following fiscal note(s) apply:

1. Zero, Legislative Agency

HJR 9 was referred to the Rules Committee for placement on the calendar.

**HB 9**

The Community & Regional Affairs Committee has considered:

**HOUSE BILL NO. 9**

"An Act establishing the Hydrogen Energy Partnership in the Department of Commerce, Community, and Economic Development; requiring the commissioner of commerce,

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 Representatives Olson and Thomas, Co-chairs, with the following individual recommendations:

Do pass (1): Cissna

No recommendation (5): LeDoux, Salmon, Neuman, Olson, Thomas

The following fiscal note(s) apply:

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

HB 9 was referred to the Resources Committee.

#### **HB 12**

The Judiciary Committee has considered:

HOUSE BILL NO. 12

"An Act relating to televisions and monitors in motor vehicles."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 12(JUD)

"An Act relating to televisions, monitors, portable computers, and similar devices in motor vehicles; and providing for an effective date."

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

Do pass (5): Gruenberg, Kott, Anderson, Gara, McGuire

No recommendation (2): Dahlstrom, Coghill

The following fiscal note(s) apply to CSHB 12(JUD):

1. Zero, Dept. of Administration
2. Zero, Dept. of Law
3. Zero, Dept. of Public Safety
4. Zero, Dept. of Public Safety

HB 12 was referred to the Finance Committee.

**HB 91**

The Finance Committee has considered:

HOUSE BILL NO. 91

"An Act relating to indecent exposure."

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

Do pass (5): Hawker, Foster, Moses, Meyer, Chenault

No recommendation (2): Stoltze, Kelly

The following fiscal note(s) apply:

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

HB 91 was referred to the Rules Committee for placement on the calendar.

**HB 123**

The Finance Committee has considered:

HOUSE BILL NO. 123

"An Act relating to occupational licensing fees and receipts; extending the termination dates of the Boards of Barbers and Hairdressers, Social Work Examiners, Pharmacy, Professional Counselors, Psychologist and Psychological Associate Examiners, and Veterinary Examiners; relating to an exemption that allows

one bill to continue more than one board, commission, or agency program; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 123(FIN)

"An Act extending the termination dates of the Boards of Barbers and Hairdressers, Social Work Examiners, Pharmacy, Professional Counselors, Psychologist and Psychological Associate Examiners, and Veterinary Examiners; relating to an exemption that allows one bill to continue more than one board, commission, or agency program; relating to psychologist licensing by credentials; and providing for an effective date."

The report was signed by Representative Meyer, Co-chair, with the following individual recommendations:

Do pass (2): Hawker, Foster

No recommendation (5): Holm, Stoltze, Moses, Weyhrauch, Meyer

Amend (1): Kelly

The following fiscal note(s) apply to CSHB 123(FIN):

1. Fiscal, Dept. of Commerce, Community, & Economic Development

HB 123 was referred to the Rules Committee for placement on the calendar.

### **HB 219**

The Finance Committee has considered:

HOUSE BILL NO. 219

"An Act relating to crimes and dangerous instruments."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 219(FIN)

"An Act relating to the definition of 'dangerous instrument' as applied within the criminal code."

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

Do pass (8): Hawker, Holm, Foster, Croft, Weyhrauch, Moses, Meyer, Chenault

No recommendation (2): Stoltze, Kelly

The following fiscal note(s) apply to CSHB 219(FIN):

1. Zero, Alaska Court System
2. Zero, Dept. of Law
3. Zero, Dept. of Public Safety
5. Zero, House Finance Committee/Dept. of Administration

HB 219 was referred to the Rules Committee for placement on the calendar.

**HB 249**

The Community & Regional Affairs Committee has considered:

## HOUSE BILL NO. 249

"An Act relating to enhanced 911 surcharges imposed by a municipality."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 249(CRA)  
(same title)

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

Do pass (3): Cissna, Olson, Thomas

No recommendation (2): LeDoux, Salmon

Amend (1): Neuman

The following fiscal note(s) apply to CSHB 249(CRA):

1. Zero, Dept. of Public Safety

HB 249 was referred to the Labor & Commerce Committee.

**HB 256**

The Resources Committee has considered:

HOUSE BILL NO. 256

"An Act naming the Ruth Burnett Sport Fish Hatchery in Fairbanks."

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

Do pass (6): Gatto, Elkins, Crawford, Seaton, Ramras, Samuels

No recommendation (1): Olson

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

HB 256 was referred to the Rules Committee for placement on the calendar.

**SB 25**

The Resources Committee has considered:

SENATE BILL NO. 25

"An Act relating to labeling and identification of genetically modified fish and fish products."



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

Do pass (4): Seaton, Elkins, Crawford, Samuels

No recommendation (2): Olson, Ramras

Amend (1): Gatto

The following fiscal note(s) apply:

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

SB 25 was referred to the Rules Committee for placement on the calendar.

**SB 52**

The Labor & Commerce Committee has considered:

CS FOR SENATE BILL NO. 52(L&C)

"An Act relating to certain functions of the division of banking, securities, and corporations and the division of occupational licensing in the Department of Commerce, Community, and Economic Development; relating to program receipts and record search fees of the Department of Commerce, Community, and Economic Development related to banking, securities, and corporations; and providing for an effective date."

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

Do pass (3): Crawford, Lynn, Anderson

No recommendation (2): Guttenberg, Rokeberg

The following fiscal note(s) apply:

1. Zero, Dept. of Commerce, Community, & Economic Development

CSSB 52(L&C) was referred to the Rules Committee for placement on the calendar.

**SB 105**

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 105(L&C)

"An Act relating to the retrospective application and applicability of the overtime compensation exemption for flight crew members; and providing for an effective date."

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

Do pass (3): Kott, Anderson, McGuire

No recommendation (4): Gruenberg, Dahlstrom, Coghill, Gara

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Zero, Dept. of Labor & Workforce Development

CSSB 105(L&C) was referred to the Rules Committee for placement on the calendar.

**SB 129**

The Labor & Commerce Committee has considered:

CS FOR SENATE BILL NO. 129(JUD)

"An Act relating to the wrongful recording of a notice of pendency of an action relating to title to or right to possession of real property."

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

Do pass (3): Lynn, Rokeberg, Anderson

No recommendation (2): Crawford, Guttenberg

The following fiscal note(s) apply:

1. Zero, Alaska Court System
2. Zero, Dept. of Law

CSSB 129(JUD) was referred to the Judiciary Committee.

### **REPORTS OF SPECIAL COMMITTEES**

#### **HJR 12**

The House Special Committee on Ways & Means has considered:

##### HOUSE JOINT RESOLUTION NO. 12

Proposing amendments to the Constitution of the State of Alaska relating to the repeal of the budget reserve fund.

and recommends it be replaced with:

##### CS FOR HOUSE JOINT RESOLUTION NO. 12(W&M)

Proposing amendments to the Constitution of the State of Alaska relating to the capital construction permanent fund and to the repeal of the budget reserve fund.

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

Do pass (3): Wilson, Seaton, Weyhrauch

No recommendation (1): Samuels

The following fiscal note(s) apply to CSHJR 12(W&M):

1. Fiscal, Dept. of Revenue

HJR 12 was referred to the State Affairs Committee.

#### **HB 235**

The House Special Committee on Ways & Means has considered:

## HOUSE BILL NO. 235

"An Act excepting from the Alaska Net Income Tax Act the federal deduction regarding income attributable to certain domestic production activities; and providing for an effective date."

and recommends it be replaced with:

## CS FOR HOUSE BILL NO. 235(W&amp;M)

"An Act excepting 26 U.S.C. 199 from the portions of the federal Internal Revenue Code incorporated by reference into the Alaska Net Income Tax Act; and providing for an effective date."

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

Do pass (3): Wilson, Seaton, Moses

No recommendation (1): Weyhrauch

The following fiscal note(s) apply to CSHB 235(W&M):

1. Indeterminate, Dept. of Revenue

HB 235 was referred to the Finance Committee.

**CONSIDERATION OF THE DAILY CALENDAR****SECOND READING OF HOUSE BILLS****HB 41**

The following was read the second time:

## HOUSE BILL NO. 41

"An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree committed against an employee of an elementary, junior high, or secondary school who was engaged in the performance of school duties at the time of the assault."

with the:	Journal Page
JUD RPT CS(JUD) 2DP 4NR	261
FN1: ZERO(ADM)	261
FN2: ZERO(COR)	261
FN3: ZERO(EED)	261
FN4: ZERO(LAW)	261
FIN RPT CS(FIN) NT 2DP 6NR 1AM	884
FN1: ZERO(ADM)	884
FN2: ZERO(COR)	884
FN3: ZERO(EED)	884
FN4: ZERO(LAW)	884
FN5: ZERO(DPS)	884

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. 41(FIN)

"An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree committed against an employee of an elementary, junior high, or secondary school or certain contractors of school districts who were engaged in the performance of school duties at the time of the assault."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 41(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 41(FIN) will advance to third reading on tomorrow's calendar.

\*\*The presence of Representative Croft was noted.

**HB 119**

The following was read the second time:

## HOUSE BILL NO. 119

"An Act extending the termination date of the Alaska regional economic assistance program; and providing for an effective date."

with the:	Journal Page
CRA RPT 5DP 1NR	265
FN1: (CED)	265
FIN RPT CS(FIN) 6DP 5NR	885
FN2: (H.FIN/CED)	886
FN3: (H.FIN/CED)	886

\*\*The presence of Representative Anderson was noted.

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. 119(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 119(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 119(FIN) was read the third time.

The question being: "Shall CSHB 119(FIN) pass the House?" The roll was taken with the following result:

CSHB 119(FIN)  
Third Reading  
Final Passage

**YEAS: 34 NAYS: 0 EXCUSED: 3 ABSENT: 3**

Yeas: Anderson, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Chenault, McGuire, Salmon

And so, CSHB 119(FIN) passed the House.

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

CSHB 119(FIN) was referred to the Chief Clerk for engrossment.

### **HB 149**

The following was read the second time:

#### HOUSE BILL NO. 149

"An Act relating to further regulation of the sale, possession, and delivery of certain chemicals and precursors used in the manufacture of methamphetamine."

with the:	Journal Page
JUD RPT CS(JUD) NT 3DP 2NR	590
FN1: ZERO(CRT)	591
FN2: ZERO(LAW)	591
FN3: INDETERMINATE(ADM)	591
FN4: INDETERMINATE (COR)	591
FN5: (CED)	591
FIN RPT CS(FIN) NT 10DP	962
FN1: ZERO(CRT)	962
FN2: ZERO(LAW)	962
FN3: INDETERMINATE(ADM)	962
FN4: INDETERMINATE (COR)	962
FN6: ZERO(CED)	962

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. 149(FIN)

"An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Crawford:

Page 10, lines 2 - 6:

Delete all material and insert:

"(e) Notwithstanding (a) of this section, the information collected in (a) or (b) of this section shall be reported by each wholesaler, manufacturer, and distributor to a central repository designated by the Department of Public Safety. The department shall, upon request, make the information contained in the central repository available to other law enforcement agencies."

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

Representative Ramras objected.

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

CSHB 149(FIN)

Second Reading

Amendment No. 1

**YEAS: 10 NAYS: 26 EXCUSED: 3 ABSENT: 1**

Yeas: Cissna, Crawford, Gara, Gardner, Gatto, Guttenberg, Kerttula, Lynn, Moses, Salmon



Nays: Anderson, Chenault, Coghill, Croft, Dahlstrom, Elkins, Foster, Gruenberg, Harris, Hawker, Holm, Kelly, Kohring, Kott, LeDoux, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Seaton

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Crawford:

Page 10, lines 2 - 6:

Delete all material and insert new subsections to read:

"(e) Notwithstanding (a) of this section, the first law enforcement agency to voluntarily designate itself as a central repository for the information collected in (a) or (b) in this section for the purpose of disseminating the information to other law enforcement agencies, may require each wholesaler, manufacturer, and distributor to regularly report that information to the law enforcement agency.

(f) If a central repository is not established under (e) of this section, then, notwithstanding (a) of this section, if a municipality enacts an ordinance requiring wholesalers, manufacturers, and distributors to report the information maintained under (a) of this section, each wholesaler, manufacturer, and distributor shall regularly report that information to the municipal police department at intervals required in the ordinance."

Reletter the following subsections accordingly.

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

Representative Ramras objected.

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

CSHB 149(FIN)  
Second Reading  
Amendment No. 2

**YEAS: 7 NAYS: 28 EXCUSED: 3 ABSENT: 2**

Yeas: Cissna, Crawford, Gara, Guttenberg, Kerttula, Lynn, Weyhrauch

Nays: Chenault, Coghill, Croft, Dahlstrom, Elkins, Foster, Gardner, Gatto, Gruenberg, Harris, Hawker, Holm, Kelly, Kohring, Kott, LeDoux, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Stoltze, Thomas, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Anderson, Seaton

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was offered by Representative Croft:

Page 10, line 6:

Insert a new subsection to read:

"(f) Upon the written request of any law enforcement agency, any wholesaler, manufacturer or distributor shall report the information collected in (a) and (b) of this section for a sixth month period."

Reletter the following subsections accordingly.

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

There was objection.

Amendment No. 1 to Amendment No. 3 was offered by Representative Ramras:

Following "report":

Insert "electronically or by mail"

Following "for":

Delete "a"

Insert "the subsequent"

Representative Ramras moved and asked unanimous consent that Amendment No. 1 to Amendment No. 3 be adopted. There being no objection, it was so ordered.

Amendment No. 2 to Amendment No. 3 as amended was offered by Representative Hawker:

Following "manufacturer":

Delete "or"

Insert ","

Following "distributor":

Insert ", or a retailer"

Following "(a)":

Delete "and"

Insert "or"

Representative Hawker moved and asked unanimous consent that Amendment No. 2 to Amendment No. 3 as amended be adopted. There being no objection, it was so ordered.

There being no further objection, Amendment No. 3 as amended was adopted.

Amendment No. 4 was offered by Representative Kerttula:

Page 1, line 13, following "suicide" through Page 2, line 4:

Delete all material.

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

Representative Ramras objected.

Representative Kerttula moved and asked unanimous consent to withdraw Amendment No. 4. There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 149(FIN) am be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 149(FIN) am will advance to third reading on tomorrow's calendar.

### **HB 214**

The following was read the second time:

HOUSE BILL NO. 214

"An Act relating to anatomical gifts and the anatomical gift donor registry program."

with the:	Journal Page
STA RPT 3DP 2AM	798
FN1: ZERO(CED)	799
FN2: ZERO(DPS)	799
FN3: (HSS)	799
HES RPT CS(HES) 5DP 2NR	908
FN1: ZERO(CED)	908
FN2: ZERO(DPS)	908
FN4: ZERO(HSS)	908

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. 214(HES)  
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 214(HES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 214(HES) was read the third time.

The question being: "Shall CSHB 214(HES) pass the House?" The roll was taken with the following result:

CSHB 214(HES)

Third Reading

Final Passage

**YEAS: 30 NAYS: 0 EXCUSED: 3 ABSENT: 7**

Yeas: Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Foster, Gardner, Gatto, Gruenberg, Harris, Hawker, Holm, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Anderson, Elkins, Gara, Guttenberg, Meyer, Salmon, Seaton

And so, CSHB 214(HES) passed the House and was referred to the Chief Clerk for engrossment.

### **THIRD READING OF HOUSE BILLS**

#### **HB 120**

The following, which was advanced to third reading from the April 11, 2005, calendar (page 966), was read the third time:

HOUSE BILL NO. 120

"An Act relating to safety devices and sharp instruments for the prevention of the spread of bloodborne pathogens in health care employees; and providing for an effective date."

The question being: "Shall HB 120 pass the House?" The roll was taken with the following result:

HB 120  
Third Reading  
Final Passage

**YEAS: 32 NAYS: 0 EXCUSED: 3 ABSENT: 5**

Yeas: Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Moses, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Anderson, Gara, Meyer, Salmon, Seaton

And so, HB 120 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.

HB 120 was referred to the Chief Clerk for engrossment.

**HB 131**

The following, which was advanced to third reading from the April 11, 2005, calendar (page 966), was read the third time:

HOUSE BILL NO. 131

"An Act increasing the criminal classification of theft of an access device and of obtaining an access device or identification documents by fraudulent means; increasing the criminal classification for certain cases of fraudulent use of an access device; and providing for an effective date."

Representative Gara moved and asked unanimous consent that HB 131 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 Representative Gara:

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

Insert "**, and the person attempts to make a purchase with that access device**"

Page 3, line 21:

Delete "**C felony** [A MISDEMEANOR]"

Insert "**A misdemeanor, and a class C felony if the person attempts to use the access device or identification document either to make a purchase or for other financial gain**"

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

Representative Stoltze objected.

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

HB 131

Second Reading

Amendment No. 1

**YEAS: 8 NAYS: 26 EXCUSED: 3 ABSENT: 3**

Yeas: Cissna, Crawford, Elkins, Gara, Gardner, Kerttula, Moses, Weyhrauch

Nays: Anderson, Chenault, Coghill, Dahlstrom, Foster, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Croft, Kelly, Ramras

Gardner changed from "Nay" to "Yea".

And so, Amendment No. 1 was not adopted.

The question being: "Shall HB 131 pass the House?" The roll was taken with the following result:

HB 131  
Third Reading  
Final Passage

**YEAS: 33 NAYS: 1 EXCUSED: 3 ABSENT: 3**

Yeas: Anderson, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Elkins, Foster, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kerttula, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Gara

Excused: Berkowitz, Joule, Kapsner

Absent: Croft, Kelly, Ramras

And so, HB 131 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 Kerttula gave notice of reconsideration of the vote on HB 131.

The Speaker stated that, without objection, the House would recess to 1:15 p.m.; and so, the House recessed at 11:57 a.m.

#### **AFTER RECESS**

The Speaker called the House back to order at 1:30 p.m.

#### **THIRD READING OF HOUSE BILLS**

(continued)

#### **HB 132**

The following, which was advanced to third reading from the April 11, 2005, calendar (page 967), was read the third time:



## CS FOR HOUSE BILL NO. 132(JUD)

"An Act relating to certain crimes committed against the elderly; and providing for an effective date."

The question being: "Shall CSHB 132(JUD) pass the House?" The roll was taken with the following result:

CSHB 132(JUD)

Third Reading

Final Passage

**YEAS: 35 NAYS: 0 EXCUSED: 3 ABSENT: 2**

Yeas: Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kelly, Kerttula, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Kohring, Kott

And so, CSHB 132(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 effective date clause. There being no objection, it was so ordered.

CSHB 132(JUD) was referred to the Chief Clerk for engrossment.

**HB 136**

The following, which was advanced to third reading from the April 11, 2005, calendar (page 968), was read the third time:

## HOUSE BILL NO. 136

"An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the influence and prosecutions for refusal to submit to a chemical test; and allowing a court to suspend up to 75 percent of the minimum fines required for driving while under the influence and for refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program."

The question being: "Shall HB 136 pass the House?" The roll was taken with the following result:

HB 136  
Third Reading  
Final Passage

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

Yeas: Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kelly, Kerttula, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Kohring

And so, HB 136 passed the House

Representative Coghill moved that the House adopt the House Judiciary Committee letter of intent (page 711).

The question being: "Shall the House adopt the House Judiciary Committee letter of intent?" The roll was taken with the following result:

HB 136  
Third Reading  
Judiciary Letter of Intent

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

Yeas: Anderson, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Kelly, Kerttula, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Kohring

And so, the House Judiciary Committee letter of intent was adopted.

HB 136 was referred to the Chief Clerk for engrossment.

**HB 184**

The following, which was advanced to third reading from the April 11, 2005, calendar (page 969), was read the third time:

HOUSE BILL NO. 184

"An Act relating to firearms."

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

Representative Croft moved and asked unanimous consent that HB 184 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 Representative Croft:

Page 1, line 6, following "law":

Insert "**This subsection does not limit the authority of a municipality to adopt or enact an ordinance that provides reasonable restrictions on the discharge of firearms within the municipality**".

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

Representative Gruenberg objected.

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

Delete "discharge"

Insert "use"

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

Representative Chenault objected.

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

HB 184

Second Reading

Amendment to Amendment No. 1

**YEAS: 7 NAYS: 27 EXCUSED: 3 ABSENT: 3**

Yeas: Cissna, Elkins, Gara, Gardner, Gruenberg, Kerttula, Moses

Nays: Anderson, Chenault, Coghill, Crawford, Croft, Dahlstrom, Foster, Gatto, Harris, Hawker, Holm, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Guttenberg, Ramras, Weyhrauch

And so, Amendment to Amendment No. 1 was not adopted.

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

Representative Gruenberg moved and asked unanimous consent that HB 184 am be returned to second reading for the specific purpose of considering Amendment No. 2.

Representative Stoltze objected and withdrew the objection. There being no further objection, it was so ordered.

Amendment No. 2 was offered by Representative Gruenberg:

Page 1, line 5:

Delete "**inconsistent**"

Insert "**in conflict**"

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

Representative Chenault objected.

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

HB 184 am  
Second Reading  
Amendment No. 2

**YEAS: 10 NAYS: 26 EXCUSED: 3 ABSENT: 1**

Yeas: Anderson, Cissna, Gara, Gardner, Gruenberg, Kerttula, Meyer, Moses, Seaton, Weyhrauch

Nays: Chenault, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gatto, Harris, Hawker, Holm, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Stoltze, Thomas, Wilson

Excused: Berkowitz, Joule, Kapsner

Absent: Guttenberg

And so, Amendment No. 2 was not adopted.

HB 184 am was automatically in third reading.

The question being: "Shall HB 184 am pass the House?" The roll was taken with the following result:

HB 184 am  
Third Reading  
Final Passage

**YEAS: 32 NAYS: 4 EXCUSED: 3 ABSENT: 1**

Yeas: Anderson, Chenault, Coghill, Crawford, Croft, Dahlstrom, Elkins, Foster, Gardner, Gatto, Harris, Hawker, Holm, Kelly, Kohring, Kott, LeDoux, Lynn, McGuire, Meyer, Moses, Neuman, Olson, Ramras, Rokeberg, Salmon, Samuels, Seaton, Stoltze, Thomas, Weyhrauch, Wilson

Nays: Cissna, Gara, Gruenberg, Kerttula

Excused: Berkowitz, Joule, Kapsner

Absent: Guttenberg

And so, HB 184 am passed the House.

Representative Kerttula gave notice of reconsideration of the vote on HB 184 am.

### UNFINISHED BUSINESS

#### **HB 19**

Representative Cissna added her name as cosponsor to:

CS FOR HOUSE BILL NO. 19(FIN)

"An Act relating to pesticides and broadcast chemicals; and providing for an effective date."

#### **HB 33**

Representative Anderson added his name as cosponsor to:

HOUSE BILL NO. 33

"An Act relating to the effect of regulations on small businesses; and providing for an effective date."

#### **HB 91**

Representative Neuman added his name as cosponsor to:

HOUSE BILL NO. 91

"An Act relating to indecent exposure."

#### **HB 109**

Representative Kelly added his name as cosponsor to:

HOUSE BILL NO. 109

"An Act relating to establishing a screening, tracking, and intervention program related to the hearing ability of newborns"

and infants; providing an exemption to licensure as an audiologist for certain persons performing hearing screening tests; relating to insurance coverage for newborn and infant hearing screening; and providing for an effective date."

**HB 120**

Representative Dahlstrom added her name as cosponsor to:

HOUSE BILL NO. 120

"An Act relating to safety devices and sharp instruments for the prevention of the spread of bloodborne pathogens in health care employees; and providing for an effective date."

**HB 132**

Representatives Samuels, Wilson, Gardner, and Neuman added their names as cosponsors to:

CS FOR HOUSE BILL NO. 132(JUD)

"An Act relating to certain crimes committed against the elderly; and providing for an effective date."

**HB 136**

Representatives Wilson, Gardner, Dahlstrom, and Anderson added their names as cosponsors to:

HOUSE BILL NO. 136

"An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the influence and prosecutions for refusal to submit to a chemical test; and allowing a court to suspend up to 75 percent of the minimum fines required for driving while under the influence and for refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program."

**HB 149**

Representatives Gara, Elkins, Crawford, Meyer, and Dahlstrom added their names as cosponsors to:

CS FOR HOUSE BILL NO. 149(FIN) am

"An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date."

**HB 184**

Representative Holm added his name as cosponsor to:

HOUSE BILL NO. 184 am

"An Act relating to firearms."

**HB 214**

Representatives Crawford and Dahlstrom added their names as cosponsors to:

CS FOR HOUSE BILL NO. 214(HES)

"An Act relating to anatomical gifts and the anatomical gift donor registry program."

**HB 219**

Representatives Chenault, Meyer, Kerttula, and Foster added their names as cosponsors to:

HOUSE BILL NO. 219

"An Act relating to crimes and dangerous instruments."

**HB 226**

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 226

"An Act relating to breaches of security involving personal information; and relating to credit report security freezes."



**ENGROSSMENT**

**HB 119**

CSHB 119(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 120**

HB 120 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 132**

CSHB 132(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**HB 136**

HB 136 was engrossed, signed by the Speaker and Chief Clerk and transmitted with a House letter of intent to the Senate for consideration.

**HB 214**

CSHB 214(HES) 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:

Finance Committee	upon adjournment
Transportation Committee	upon adjournment
House Special Committee on Education CHANGED TO:	5:30 p.m.

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 13, 2005. There being no objection, the House adjourned at 2:46 p.m.

Suzi Lowell  
Chief Clerk