

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

Juneau, Alaska

Wednesday

April 13, 2005

Ninety-fourth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:16 a.m.

Roll call showed 33 members present. Representatives Berkowitz, Joule, and Kapsner had been previously excused from a call of the House today. Representatives Anderson, Kott, and Weyhrauch were absent and their presence was noted later.

Representative Coghill moved and asked unanimous consent that Representative Crawford be excused from a call of the House today to 2:00 p.m., plane time, April 17, 2005. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Nancy Campbell of the Gospel Outreach Christian Center. Representative Rokeberg moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Dear Heavenly Father,

I ask Your blessing on this body of legislators today as they deliberate over the bills presented. Encourage them, Lord, and confer upon them the wisdom needed to know which way to vote on the issues that require action before the end of this session.

I pray for a special grace and an ability for them to redeem the time while working together. Refresh their minds and bring healing to their bodies. Grant them supernatural strength in

the place of weariness. Let their communication be clear and give them understanding of one another.

Let Your kingdom come and Your will be done in this Chamber today. Thank You, Lord.

In Jesus' name. Amen.

The Pledge of Allegiance was led by Representative Hawker.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 93rd legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

HJR 15

A message dated April 12, 2005, was read stating the Senate has passed:

CS FOR HOUSE JOINT RESOLUTION NO. 15(RES)
Relating to open ocean aquaculture in the federal exclusive economic zone.

CSHJR 15(RES) was referred to the Chief Clerk for enrollment.

**The presence of Representative Kott was noted.

A message dated April 12, 2005, was read stating the Senate has passed the following and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 137

SENATE BILL NO. 137 by Senator Seekins, entitled:

"An Act providing that an institution providing accommodations exempt from the provisions of the Uniform Residential Landlord and Tenant Act may evict tenants without resorting to court proceedings under AS 09.45.060 - 09.45.160."

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

REPORTS OF STANDING COMMITTEES

The State Affairs Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Mr. Randy H. Eledge
Mr. Lester C. Lunceford
Ms. Barbara J. (Tamie) Miller

as members of the State Commission for Human Rights.

The reports were signed by Representative Seaton, Chair; and Representatives Gardner, Lynn, Gatto, Gruenberg, and Elkins.

Ms. M. Chris Hayes

as a member of the State Commission for Human Rights.

The report was signed by Representative Seaton, Chair; and Representatives Gardner, Lynn, Gatto, and Elkins.

HB 94

The Judiciary Committee has considered:

HOUSE BILL NO. 94

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and

modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through a power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum, recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 94(JUD)

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; and relating to incorporation elections."

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

Do pass (1): Kott

No recommendation (4): Anderson, Coghill, Gara, McGuire

Amend (1): Gruenberg

The following fiscal note(s) apply to CSHB 94(JUD):

2. Fiscal, Office of the Governor

HB 94 was referred to the Finance Committee.

HB 130

The Finance Committee has considered:

HOUSE BILL NO. 130

"An Act granting certain state land to the University of Alaska and establishing the university research forest; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 130(FIN)

"An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; and providing for an effective date."

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

Do pass (4): Hawker, Weyhrauch, Kelly, Foster

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

A Finance Committee letter of intent for CSHB 130(FIN), signed by Representatives Meyer and Chenault, Co-chairs, follows:

"It is the intent of the 24th Alaska State Legislature that the University of Alaska maintain its role in the state as an academically strong and financially secure state university system in order to remain a cornerstone of the long-term development of a stable population and contribute to a healthy, diverse economy in the state.

The State of Alaska and the University of Alaska have identified particular lands to be conveyed to the Board of Regents in trust for the University of Alaska. The 24th Alaska State Legislature intends that the Board of Regents of the University of Alaska receive land in trust for the University of Alaska under the provisions in House Bill 130 in an expeditious manner; and encourage the development of in-state value-added industries to the extent economically feasible and practicable when it develops the land conveyed.

The University has agreed that land conveyed at Cold Foot Node will not be used for the purposes of establishing businesses that would

compete with an existing business that has entered into a long-term lease with the Department of Natural Resources. It is the intent of the Legislature to approve that arrangement between those parties and the University.

Further, it is the intent of the Legislature that the University of Alaska uses the land for development purposes that contribute to the economic diversification and vitality of Alaska. The University may not convey the land to a not-for-profit corporation or to an entity that intends to set the land aside in trust for conservation purposes or non-economically productive uses."

The following fiscal note(s) apply to CSHB 130(FIN):

1. Zero, Dept. of Fish & Game
2. Fiscal, Dept. of Law
3. Fiscal, Dept. of Natural Resources
4. Fiscal, University of Alaska

HB 130 was referred to the Rules Committee for placement on the calendar.

HB 210

The Finance Committee has considered:

HOUSE BILL NO. 210

"An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 210(JUD)
(same title)

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

Do pass (6): Kelly, Holm, Stoltze, Hawker, Foster, Chenault

No recommendation (1): Weyhrauch

The following fiscal note(s) apply to CSHB 210(JUD):

1. Zero, Alaska Court System
2. Zero, Dept. of Corrections
3. Zero, Dept. of Law
4. Zero, Dept. of Public Safety

HB 210 is on today's calendar.

HB 215

The State Affairs Committee has considered:

HOUSE BILL NO. 215

"An Act relating to the investment responsibilities of the Alaska Permanent Fund Corporation; relating to regulations proposed and adopted by the Board of Trustees of the Alaska Permanent Fund Corporation and providing procedures for the adoption of regulations by the board; and providing for an effective date."

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

Do pass (5): Gardner, Lynn, Elkins, Ramras, Seaton

No recommendation (1): Gatto

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

HB 215 was referred to the Finance Committee.

HB 225

The Finance Committee has considered:

HOUSE BILL NO. 225

"An Act relating to medical examiners and medical death examinations."

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

Do pass (3): Hawker, Foster, Meyer

No recommendation (4): Holm, Stoltze, Kelly, Chenault

The following fiscal note(s) apply:

1. Zero, Dept. of Health & Social Services

HB 225 is on today's calendar.

**The presence of Representative Anderson was noted.

HB 231

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 231

"An Act relating to the definition of 'municipality' for purposes of human services community matching grants."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 231(CRA)

"An Act relating to the definition of 'municipality' for purposes of human services community matching grants; and providing for an effective date."

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

Do pass (4): Cissna, Gardner, Seaton, Wilson

No recommendation (1): McGuire

The following fiscal note(s) apply to CSHB 231(CRA):

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

3. Zero, Dept. of Health & Social Services

HB 231 was referred to the Finance Committee.

SB 87

The State Affairs Committee has considered:

SENATE BILL NO. 87

"An Act relating to motor vehicle safety belt violations."

and recommends it be replaced with:

HOUSE CS FOR SENATE BILL NO. 87(STA)
(same title)

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

Do pass (1): Gruenberg

Do not pass (4): Gardner, Lynn, Gatto, Elkins

No recommendation (1): Seaton

The following fiscal note(s) apply to HCS SB 87(STA):

1. Zero, Dept. of Transportation & Public Facilities
2. Zero, Dept. of Law
3. Zero, Alaska Court System
4. Zero, Dept. of Public Safety

SB 87 was referred to the Judiciary Committee.

REPORTS OF SPECIAL COMMITTEES

HB 252

The House Special Committee on Fisheries has considered:

HOUSE BILL NO. 252

"An Act providing for a sport fishing facility surcharge on sport fishing licenses; providing for the construction and renovation of state sport fishing facilities and for other projects beneficial to the

sport fish resources of the state as a public enterprise; and authorizing the issuance of revenue bonds to finance those projects."

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

Do pass (3): Wilson, Elkins, Thomas

Do not pass (2): Salmon, LeDoux

No recommendation (1): Harris

The following fiscal note(s) apply:

1. Zero. Dept. of Commerce, Community, & Economic Development
2. Fiscal, Dept. of Fish & Game
3. Fiscal, Dept. of Revenue

HB 252 was referred to the Resources Committee.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 83

The following was read the second time:

HOUSE BILL NO. 83

"An Act relating to the Alaska Seismic Hazards Safety Commission."

with the:

Journal Page

MLV RPT CS(MLV) NT 6DP	235
FN1: ZERO(MVA)	236
FN2: ZERO(DNR)	236
STA RPT CS(MLV) NT 7DP	560
FN1: ZERO(MVA)	560
FN2: ZERO(DNR)	560

HOUSE JOURNAL

April 13, 2005

1021

FIN RPT CS(FIN) NT 6DP 4NR	927
FN2: ZERO(DNR)	927
FN3: INDETERMINATE(MVA)	927

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. 83(FIN)
"An Act relating to the Alaska Seismic Hazards Safety Commission; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 83(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 83(FIN) was read the third time.

The question being: "Shall CSHB 83(FIN) pass the House?" The roll was taken with the following result:

CSHB 83(FIN)
Third Reading
Final Passage

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

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

Excused: Berkowitz, Crawford, Joule, Kapsner

Absent: Weyhrauch

And so, CSHB 83(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 83(FIN) was referred to the Chief Clerk for engrossment.

**The presence of Representative Weyhrauch was noted.

HB 91

The Speaker stated that, without objection, the following would be moved to the bottom of the calendar:

HOUSE BILL NO. 91
"An Act relating to indecent exposure."

HB 122

The following was read the second time:

HOUSE BILL NO. 122
"An Act relating to payment of premiums for Servicemembers' Group Life Insurance on behalf of members of the Alaska National Guard deployed to a combat zone; and providing for an effective date."

with the:

Journal Page

MLV RPT CS(MLV) NT 6DP	688
FN1: ZERO(CED)	689
FN2: INDETERMINATE(MVA)	689
FN2: (MVA) CORRECTED	720
FIN RPT CS(FIN) NT 10DP 1NR	907
FN1: ZERO(CED)	907
FN2: (MVA)	907
FN3: ZERO(EED)	907
FN4: (DFG)	907

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. 122(FIN)

"An Act relating to certain relief concerning motor vehicle leases, telephone services, education, utilities, state loans, and hunting, fishing, and trapping licenses for members of the Alaska National Guard deployed to a combat zone; relating to reimbursement of premiums for Servicemembers' Group Life Insurance paid by members of the Alaska National Guard deployed to a combat zone; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 122(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Representative Kerttula objected.

CSHB 122(FIN) will advance to third reading on tomorrow's calendar.

HB 210

The following was read the second time:

HOUSE BILL NO. 210

"An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."

with the:

Journal Page

JUD RPT CS(JUD) 6DP	797
FN1: ZERO(CRT)	798
FN2: ZERO(COR)	798
FN3: ZERO(LAW)	798
FN4: ZERO(DPS)	798
FIN RPT CS(JUD) 6DP 1NR	1016
FN1: ZERO(CRT)	1017
FN2: ZERO(COR)	1017
FN3: ZERO(LAW)	1017
FN4: ZERO(DPS)	1017

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. 210(JUD)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 210(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 210(JUD) was read the third time.

The question being: "Shall CSHB 210(JUD) pass the House?" The roll was taken with the following result:

CSHB 210(JUD)
Third Reading
Final Passage

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

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

Excused: Berkowitz, Crawford, Joule, Kapsner

Absent: Weyhrauch

And so, CSHB 210(JUD) passed the House and was referred to the Chief Clerk for engrossment.

HB 225

The following was read the second time:

HOUSE BILL NO. 225
"An Act relating to medical examiners and medical death examinations."

HOUSE JOURNAL

April 13, 2005

1025

with the:

Journal Page

HES RPT 5DP	799
FN1: ZERO(HSS)	799
FIN RPT 3DP 4NR	1017
FN1: ZERO(HSS)	1018

Representative Coghill moved and asked unanimous consent that HB 225 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 225 was read the third time.

The question being: "Shall HB 225 pass the House?" The roll was taken with the following result:

HB 225
Third Reading
Final Passage

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

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

Excused: Berkowitz, Crawford, Joule, Kapsner

Absent: Kelly

And so, HB 225 passed the House and was referred to the Chief Clerk for engrossment.

HB 230

The following was read the second time:

HOUSE BILL NO. 230

"An Act authorizing the making of loans for upgrade of commercial fishing tender vessels and gear."

HOUSE JOURNAL

1026

April 13, 2005

with the:	Journal Page
FSH RPT 4DP 1NR	801
FN1: ZERO(CED)	801
RES RPT 7DP 2NR	908
FN1: ZERO(CED)	909

Representative Coghill moved and asked unanimous consent that HB 230 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 230 was read the third time.

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

The question being: "Shall HB 230 pass the House?" The roll was taken with the following result:

HB 230
Third Reading
Final Passage

YEAS: 32 NAYS: 2 EXCUSED: 4 ABSENT: 2

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

Nays: Coghill, Kohring

Excused: Berkowitz, Crawford, Joule, Kapsner

Absent: Moses, Rokeberg

And so, HB 230 passed the House and was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS**HB 41**

The following, which was advanced to third reading from the April 12, 2005, calendar (page 987), was read the third time:

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."

Representative Gatto moved and asked unanimous consent that CSHB 41(FIN) 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 Gatto:

Page 2, line 3, following "elementary,":

Insert "middle school,"

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

Representative Gruenberg objected.

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

Page 1, line 2, following "elementary," (title amendment):

Insert "middle school,"

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

There being no further objection, Amendment No. 1 as amended was adopted and the new title follows:

CS FOR HOUSE BILL NO. 41(FIN) am

"An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree committed against an employee of an elementary, middle school, 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."

The question being: "Shall CSHB 41(FIN) am pass the House?" The roll was taken with the following result:

CSHB 41(FIN) am

Third Reading

Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 4 ABSENT: 4

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

Excused: Berkowitz, Crawford, Joule, Kapsner

Absent: Kelly, Olson, Salmon, Samuels

And so, CSHB 41(FIN) am passed the House and was referred to the Chief Clerk for engrossment.

Representative Coghill moved and asked unanimous consent that Representative Olson be excused from a call of the House until 10:00 p.m., plane time, April 14, 2005. There being no objection, it was so ordered.

HB 149

The following, which was advanced to third reading from the April 13, 2005, calendar (page 994), was read the third time:

CS FOR HOUSE BILL 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."

Representative Ramras moved and asked unanimous consent that CSHB 149(FIN) 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 Representative Ramras:

Page 2, line 2:

Delete "**AS 11.71**"

Insert "**AS 11.71.010 - 11.71.030 or 11.71.040(a)(1) for schedule IVA controlled substances**"

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

The question being: "Shall CSHB 149(FIN) am pass the House?" The roll was taken with the following result:

CSHB 149(FIN) am

Third Reading

Final Passage

YEAS: 33 NAYS: 0 EXCUSED: 5 ABSENT: 2

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

Excused: Berkowitz, Crawford, Joule, Kapsner, Olson

Absent: Kelly, Salmon

And so, CSHB 149(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 149(FIN) am was referred to the Chief Clerk for engrossment.

SECOND READING OF HOUSE BILLS

(continued)

HB 91

The following, which had been moved to the bottom of the calendar (page 1022), was read the second time:

HOUSE BILL NO. 91

"An Act relating to indecent exposure."

with the:	Journal Page
JUD RPT 7DP	745
FN1: ZERO(ADM)	746
FN2: ZERO(CRT)	746
FN3: ZERO(LAW)	746
FIN RPT 5DP 2NR	979
FN1: ZERO(ADM)	979
FN2: ZERO(CRT)	979
FN3: ZERO(LAW)	979

Amendment No. 1 was offered by Representative Croft:

Page 1, lines 3 - 11:

Delete all material and insert:

** **Section 1.** AS 11.41.458(a) is amended to read:

(a) An offender commits the crime of indecent exposure in the first degree if [(1)] the offender violates AS 11.41.460(a), **the offense occurs within the observation of a person under 16 years of age, and**

(1) [; (2)] while committing the act constituting the offense, the offender knowingly masturbates; [AND (3) THE OFFENSE OCCURS WITHIN THE OBSERVATION OF A PERSON UNDER 16 YEARS OF AGE] **or**

(2) the offender has been previously convicted under

(A) this section;

(B) AS 11.41.460(a); or

(C) a law or ordinance of this or another jurisdiction with elements similar to a crime listed under (A) or (B) of this paragraph."

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

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

Representative Coghill moved and asked unanimous consent that HB 91 am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 91 am was read the third time.

The question being: "Shall HB 91 am pass the House?" The roll was taken with the following result:

HB 91 am
Third Reading
Final Passage

YEAS: 30 NAYS: 0 EXCUSED: 5 ABSENT: 5

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

Excused: Berkowitz, Crawford, Joule, Kapsner, Olson

Absent: Anderson, Elkins, McGuire, Salmon, Seaton

And so, HB 91 am passed the House and was referred to the Chief Clerk for engrossment.

RECONSIDERATION

HB 131

Representative Kerttula brought up reconsideration of the vote on HB 131 (page 998).

The following was again before the House in third reading:

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."

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

HB 131--RECONSIDERATION

Third Reading

Final Passage

YEAS: 28 NAYS: 0 EXCUSED: 5 ABSENT: 7

Yeas: Chenault, Cissna, Coghill, Croft, Dahlstrom, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Kelly, Kerttula, Kohring, Kott, LeDoux, Lynn, Meyer, Neuman, Ramras, Rokeberg, Samuels, Stoltze, Thomas, Weyhrauch, Wilson

Excused: Berkowitz, Crawford, Joule, Kapsner, Olson

Absent: Anderson, Elkins, Holm, McGuire, Moses, Salmon, Seaton

And so, HB 131 passed the House on reconsideration.

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 131 was referred to the Chief Clerk for engrossment.

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 Anderson - from 7:00 p.m., April 13 to 9:30 a.m., plane time, April 18, 2005

Representative Coghill - from 7:00 p.m., April 13 to 9:30 a.m., plane time, April 18, 2005

Representative McGuire - from 7:00 p.m., April 13 to 9:30 a.m., plane time, April 18, 2005

Representative Gatto - from 7:00 a.m., April 14 to 10:00 p.m., plane time, April 17, 2005

HJR 12

Representative Croft added his name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 12

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

HB 16

Representative Anderson added his name as cosponsor to:

HOUSE BILL NO. 16

"An Act relating to funding for school districts operating secondary school boarding programs and to funding for school districts from which boarding students come; and providing for an effective date."

HB 32

Representative Foster added his name as cosponsor to:

HOUSE BILL NO. 32

"An Act making a special appropriation for a grant to Arctic Power to promote the opening of the Arctic National Wildlife Refuge for oil and gas exploration and development; and providing for an effective date."

HB 41

Representative Chenault added his name as cosponsor to:

CS FOR HOUSE BILL NO. 41(FIN) am

"An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree committed against an employee of an elementary, middle school, 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."

HB 91

Representatives Gardner and Croft added their names as cosponsors to:

HOUSE BILL NO. 91 am

"An Act relating to indecent exposure."

HB 122

Representatives Chenault, Croft, Olson, and McGuire added their names as cosponsors to:

CS FOR HOUSE BILL NO. 122(FIN)

"An Act relating to certain relief concerning motor vehicle leases, telephone services, education, utilities, state loans, and hunting, fishing, and trapping licenses for members of the Alaska National Guard deployed to a combat zone; relating to reimbursement of premiums for Servicemembers' Group Life Insurance paid by members of the Alaska National Guard deployed to a combat zone; and providing for an effective date."

HB 149

Representative Croft added his name as cosponsor 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 210

Representatives Hawker, Stoltze, Chenault, and Anderson added their names as cosponsors to:

CS FOR HOUSE BILL NO. 210(JUD)

"An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."

HB 225

Representatives Hawker, Anderson, and Neuman added their names as cosponsors to:

HOUSE BILL NO. 225

"An Act relating to medical examiners and medical death examinations."

HB 230

Representative Kerttula added her name as cosponsor to:

HOUSE BILL NO. 230

"An Act authorizing the making of loans for upgrade of commercial fishing tender vessels and gear."

ENGROSSMENT**HB 41**

CSHB 41(FIN) am was engrossed and signed by the Speaker and Chief Clerk.

HB 83

CSHB 83(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 91

HB 91 am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 131

HB 131 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 149

CSHB 149(FIN) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 184

Reconsideration of the following was not taken up on this legislative day. It was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

HOUSE BILL NO. 184 am
"An Act relating to firearms."

HB 210

CSHB 210(JUD) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 225

HB 225 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 230

HB 230 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.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 14, 2005. There being no objection, the House adjourned at 12:29 p.m.

Suzi Lowell
Chief Clerk