

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
THIRD SPECIAL SESSION

Juneau, Alaska

Sunday

August 6, 2006

Twenty-sixth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 1:10 p.m.

Roll call showed 35 members present. Representatives Berkowitz, Kapsner, Kerttula, and LeDoux were absent and their presence was noted later.

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

The invocation was offered by the Chaplain, Representative Anderson. Representative Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Dear Lord,

This is a difficult time for my colleagues and I because we face one of the biggest challenges the legislature ever has in the state of Alaska with the upcoming special session issues. It is a difficult time also because we are away from our families; there are some members who have health issues; others who have family issues; babysitting issues; difficulties being away from home due to work. It is also a really tough time because many of us are in campaigns, whether they be in our district or statewide. Civility and a positive attitude are often hard to find when you are in the trenches.

So, dear Lord, I ask that You give all of us and our families the continued conviction and power to stay positive to move forward with a good attitude and recognize that we're serving the people of the state of Alaska and our families with good intent and with a desire to help our state and make it a better place. Amen

The Pledge of Allegiance was led by Representative Neuman.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 25th legislative day of the Third Special Session be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

CONSIDERATION OF THE DAILY CALENDAR

THIRD READING OF SENATE BILLS

SB 3005

The following, which was advanced to third reading from the August 5, 2006, calendar (page 4292), was read the third time:

HOUSE CS FOR CS FOR SENATE BILL NO. 3005(JUD)

"An Act relating to contempt of court and to temporary detention and identification of persons; and providing for an effective date."

**The presence of Representatives LeDoux, Kerttula, Kapsner, and Berkowitz was noted.

Representative Gruenberg moved and asked unanimous consent that HCS CSSB 3005(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 Gruenberg and McGuire:

Page 1, line 4, through Page 2, line 3:

Delete all material and insert:

*** Section 1.** AS 09.50.020(a) is repealed and reenacted to read:

(a) A person who commits a criminal contempt is guilty of a class A misdemeanor. A person who commits a civil contempt is subject to damages, a civil penalty of \$5,000 or less for each violation, and other orders as the court finds appropriate."

Renumber the following bill sections accordingly.

Page 4, line 9:

Delete "sec. 3"

Insert "sec. 2"

Representative Gruenberg 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 Kerttula moved and asked unanimous consent that HCS CSSB 3005(JUD) am H 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 Kerttula and Gruenberg:

Page 4, following line 3:

Insert a new subsection to read:

"(g) Notwithstanding (f) of this section, if the person establishes that he does not have information of material aid in the investigation of the crime, then the person is punishable by a civil fine of not more than \$1,000.00."

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

Representative Berkowitz objected.

Amendment No. 1 to Amendment No. 2 was offered by Representative Berkowitz:

Delete "he"
Insert "the person"

Representative Berkowitz moved and asked unanimous consent that Amendment No. 1 to Amendment No. 2 be adopted.

Representative Weyhrauch placed a call of the House on the bill.

The call was satisfied.

There being no objection to Amendment No. 1 to Amendment No. 2, it was so ordered.

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

Following "crime, then":

Delete all material and insert:

"it is within the discretion of the court to determine that this is a civil matter punishable by a civil fine of not more than \$1,000.00."

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

There being no further objection, Amendment No. 2 as amended was adopted.

Representative Gara moved and asked unanimous consent that HCS CSSB 3005(JUD) am H be returned to second reading for the specific purpose of considering Amendment No. 3. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Gara:

Page 4, following line 3:

Insert a new subsection to read:

"(g) A person may not be detained or prosecuted under this section unless the jurisdiction where the person is detained has a policy in place to protect witnesses from the danger of physical

injury in retaliation for that person acting or being listed as a potential witness to the crime being investigated, and the protections in that policy are made available to the detained person."

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

Representative Anderson objected.

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

HCS CSSB 3005(JUD) am H
Second Reading
Amendment No. 3

YEAS: 14 NAYS: 25 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Elkins, Gara, Guttenberg, Joule, Kapsner, Kerttula, Kohring, Salmon, Seaton, Thomas

Nays: Anderson, Chenault, Coghill, Dahlstrom, Foster, Gardner, Gatto, Gruenberg, Harris, Hawker, Holm, Kelly, Kott, LeDoux, Lynn, McGuire, Meyer, Neuman, Olson, Ramras, Rokeberg, Samuels, Stoltze, Weyhrauch, Wilson

Excused: Moses

And so, Amendment No. 3 was not adopted.

The question being: "Shall HCS CSSB 3005(JUD) am H pass the House?" The roll was taken with the following result:

HCS CSSB 3005(JUD) am H
Third Reading
Final Passage

YEAS: 30 NAYS: 9 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Joule, Kapsner, Kott, LeDoux, Lynn, McGuire, Meyer, Olson, Ramras, Rokeberg, Salmon, Samuels, Thomas, Wilson

Nays: Coghill, Holm, Kelly, Kerttula, Kohring, Neuman, Seaton, Stoltze, Weyhrauch

Excused: Moses

And so, HCS CSSB 3005(JUD) am H 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 Berkowitz gave notice of reconsideration of the vote on HCS CSSB 3005(JUD) am H.

RECONSIDERATION

SB 3005

Representative Berkowitz moved and asked unanimous consent that reconsideration of HCS CSSB 3005(JUD) am H be taken up on the same day. There being no objection, it was so ordered.

HCS CSSB 3005(JUD) am H was again before the House in third reading.

The question to be reconsidered: "Shall HCS CSSB 3005(JUD) am H pass the House?" The roll was taken with the following result:

HCS CSSB 3005(JUD) am H--RECONSIDERATION

Third Reading

Final Passage

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

Yeas: Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Elkins, Foster, Gara, Gardner, Gatto, Gruenberg, Harris, Hawker, Joule, Kapsner, Kott, LeDoux, Lynn, McGuire, Meyer, Olson, Ramras, Rokeberg, Samuels, Thomas, Wilson

Nays: Coghill, Guttentberg, Holm, Kelly, Kerttula, Kohring, Neuman, Salmon, Seaton, Stoltze, Weyhrauch

Excused: Moses

And so, HCS CSSB 3005(JUD) am H 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.

HCS CSSB 3005(JUD) am H was referred to the Chief Clerk for engrossment.

HB 3001

Representative Berkowitz brought up reconsideration of the vote on CSHB 3001(FIN) (page 4338).

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 3001(FIN)

"An Act relating to the production tax on oil and gas and to conservation surcharges on oil; relating to criminal penalties for violating conditions governing access to and use of confidential information relating to the production tax; amending the definition of 'gas' as that definition applies in the Alaska Stranded Gas Development Act; making conforming amendments; and providing for an effective date."

Representative Berkowitz placed a call of the House.

The call was satisfied.

The question to be reconsidered: "Shall CSHB 3001(FIN) pass the House?" The roll was taken with the following result:

CSHB 3001(FIN)--RECONSIDERATION

Third Reading

Final Passage

YEAS: 29 NAYS: 10 EXCUSED: 1 ABSENT: 0

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

Nays: Berkowitz, Cissna, Crawford, Croft, Gara, Gardner, Gruenberg, Guttenberg, Kerttula, Kohring

Excused: Moses

And so, CSHB 3001(FIN) 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.

Representative Berkowitz objected.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

CSHB 3001(FIN)--RECONSIDERATION

Third Reading

Effective Date

YEAS: 31 NAYS: 8 EXCUSED: 1 ABSENT: 0

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

Nays: Berkowitz, Cissna, Crawford, Gara, Gruenberg, Guttenberg, Kerttula, Kohring

Excused: Moses

And so, the effective date clause was adopted.

CSHB 3001(FIN) was referred to the Chief Clerk for engrossment.

ENGROSSMENT

HB 3001

CSHB 3001(FIN) was engrossed and signed by the Speaker and Chief Clerk.

SB 3005

HCS CSSB 3005(JUD) am H was engrossed and signed by the Speaker and Chief Clerk.

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., August 7, 2006, for a technical session. There being no objection, the House adjourned at 4:47 p.m.

Suzi Lowell
Chief Clerk