

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Friday

April 4, 2003

#### Seventy-fourth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:08 a.m.

Roll call showed 38 members present.

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 Whitaker - from today to morning plane time, April 6, 2003

Representative Heinze - today

The invocation was offered by the Chaplain, Firouz Mehrabad of the Juneau Baha'i Community. Representative Meyer moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

O my God! O my God! Unite the hearts of Thy servants, and reveal to them Thy great purpose. May they follow Thy commandments and abide in Thy law. Help them, O God, in their endeavor, and grant them strength to serve Thee. O God! Leave them not to themselves, but guide their steps by the light of Thy knowledge, and cheer their hearts by Thy love. Verily, Thou art their Helper and their Lord.

- Baha'u'llah  
(Baha'i Prayers, p. 203)

The Pledge of Allegiance was led by Representative Meyer.

### **CERTIFICATION OF THE JOURNAL**

Representative Coghill moved and asked unanimous consent that the journal for the 72nd and 73rd legislative days, House Journal Supplement No. 3, Senate and House Joint Journal Supplement No. 7, and House and Senate Joint Journal Supplement No. 8 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### **MESSAGES FROM THE GOVERNOR**

#### **SB 51**

A message dated April 3, 2003, 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. 51

"An Act relating to revenue bonds issued by the Alaska Municipal Bond Bank Authority and the total amount of bonds and notes outstanding of that authority; and providing for an effective date."

Chapter No. 3, SLA 2003

Effective Date: April 4, 2003

### **MESSAGES FROM THE SENATE**

#### **HB 139**

A message dated April 2, 2003, was read stating the Senate has passed:

#### CS FOR HOUSE BILL NO. 139(RES)

"An Act approving an interim classification by the commissioner of natural resources closing certain land within the Glacier Creek and Winner Creek drainages to new mineral entry; and providing for an effective date."

CSHB 139(RES) was referred to the Chief Clerk for enrollment.

A message dated April 2, 2003, was read stating the Senate has passed the following and it is transmitted for consideration:

**FIRST READING AND REFERENCE  
OF SENATE BILLS**

**SB 45**

CS FOR SENATE BILL NO. 45(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to the Legislative Budget and Audit Committee."

was read the first time and referred to the Judiciary and Finance Committees.

**COMMUNICATIONS**

The following were received:

Dept. of Natural Resources  
Office of the Commissioner  
Determination to Take Oil and  
Gas Royalty In-Value  
March 24, 2003  
(as required by AS 38.05.182)

Denali Commission  
2002 Annual Report  
A Catalyst for Positive Change  
(Compact Disc)  
[www.denali.gov](http://www.denali.gov)

**REPORTS OF STANDING COMMITTEES**

**HCR 5**

The State Affairs Committee has considered:

HOUSE CONCURRENT RESOLUTION NO. 5  
Establishing a task force to make recommendations regarding a  
new design for the official seal of the State of Alaska.

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

Do pass (2): Seaton, Weyhrauch

No recommendation (2): Holm, Lynn

The following fiscal note(s) apply:

1. Fiscal, Legislative Agency

HCR 5 was referred to the Finance Committee.

### **HCR 11**

The Resources Committee has considered:

HOUSE CONCURRENT RESOLUTION NO. 11  
Relating to Alaska Salmon Day.

and recommends it be replaced with:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 11(FSH)  
Relating to Alaska Wild Salmon Day.

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

Do pass (8): Guttenberg, Wolf, Masek, Lynn, Gatto, Morgan, Heinze, Fate

The following fiscal note(s) apply to CSHCR 11(FSH):

1. Zero, Legislative Agency

HCR 11 is on today's calendar.

### **HB 13**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 13

"An Act declaring legislative intent to reject the continuity of enterprise exception to the doctrine of successor liability adopted in *Savage Arms, Inc. v. Western Auto Supply*, 18 P.3d 49 (Alaska 2001), as it relates to products liability; providing that a successor corporation or other business entity that acquires assets of a predecessor corporation or other business entity is subject to liability for harm to persons or property caused by a defective product sold or otherwise distributed commercially by the predecessor only if the acquisition is accompanied by an agreement for the successor to assume the liability, results from a fraudulent conveyance to escape liability for the debts or liabilities of the predecessor, constitutes a consolidation or merger with the predecessor, or results in the successor's becoming a continuation of the predecessor; defining 'business entity' that acquires assets to include a sole proprietorship; and applying this Act to the sale, lease, exchange, or other disposition of assets by a corporation, a limited liability company, a partnership, a limited liability partnership, a limited partnership, a sole proprietorship, or other business entity that occurs on or after the effective date of this Act."

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

Do pass (4): Gatto, Dahlstrom, Rokeberg, Anderson

No recommendation (2): Crawford, Guttenberg

The following fiscal note(s) apply:

1. Zero, House Labor & Commerce Committee/Dept. of Community & Economic Development

HB 13 was referred to the Judiciary Committee.

**HB 57**

The Finance Committee has considered:

## HOUSE BILL NO. 57

"An Act amending the manner of determining the royalty received by the state on gas production as it relates to the manufacture of certain value-added products."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 57(FIN)  
(same title)

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

Do pass (5): Whitaker, Foster, Chenault, Harris, Williams

No recommendation (5): Meyer, Hawker, Stoltze, Joule, Croft

The following fiscal note(s) apply to CSHB 57(FIN):

Fiscal note(s) forthcoming.

HB 57 was referred to the Rules Committee for placement on the calendar.

**HB 154**

The Health, Education & Social Services Committee has considered:

## HOUSE BILL NO. 154

"An Act relating to admission to and advancement in public schools of children under school age; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 154(EDU)  
"An Act relating to advancement in public schools of children under school age; and providing for an effective date."

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

Do pass (4): Coghill, Wolf, Gatto, Wilson

Do not pass (2): Kapsner, Cissna

The following fiscal note(s) apply to CSHB 154(EDU):

1. Fiscal, Dept. of Education & Early Development

HB 154 was referred to the Finance Committee.

**HB 165**

The Health, Education & Social Services Committee has considered:

HOUSE BILL NO. 165

"An Act relating to community schools; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 165(HES)  
(same title)

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

Do pass (4): Seaton, Coghill, Gatto, Wilson

Do not pass (2): Kapsner, Cissna

No recommendation (1): Wolf

The following fiscal note(s) apply to CSHB 165(HES):

1. Fiscal, Dept. of Education & Early Development

HB 165 was referred to the Finance Committee.

**HB 183**

The State Affairs Committee has considered:

## HOUSE BILL NO. 183

"An Act relating to retirement contributions and benefits under the public employees' retirement system of certain juvenile detention employees and juvenile correctional institution employees."

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

Do pass (2): Gruenberg, Weyhrauch

No recommendation (5): Seaton, Holm, Lynn, Dahlstrom, Berkowitz

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Administration

HB 183 was referred to the Finance Committee.

**HB 184**

The Labor & Commerce Committee has considered:

## SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 184

"An Act relating to individual deferred annuities; and providing for an effective date."

and recommends it be replaced with:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.  
184(L&C)  
(same title)

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

Do pass (5): Gatto, Crawford, Dahlstrom, Rokeberg, Anderson

The following fiscal note(s) apply to CSSSHB 184(L&C):

1. Zero, Dept. of Community & Economic Development

SSH B 184 was referred to the Rules Committee for placement on the calendar.

**HB 203**

The Labor & Commerce Committee has considered:

## HOUSE BILL NO. 203

"An Act relating to the definitions of 'net income' and 'unrestricted net income' for purposes of calculating the dividends to be paid to the state by the Alaska Industrial Development and Export Authority; and providing for an effective date."

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

Do pass (4): Gatto, Dahlstrom, Rokeberg, Anderson

No recommendation (2): Crawford, Guttenberg

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Community & Economic Development

HB 203 was referred to the Finance Committee.

**HB 205**

The State Affairs Committee has considered:

## HOUSE BILL NO. 205

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

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

Do pass (4): Seaton, Gruenberg, Holm, Berkowitz

Do not pass (1): Weyhrauch

No recommendation (2): Lynn, Dahlstrom

The following fiscal note(s) apply:

1. Fiscal, Dept. of Revenue

HB 205 was referred to the Rules Committee for placement on the calendar.

### **HB 214**

The Judiciary Committee has considered:

HOUSE BILL NO. 214

"An Act relating to the recovery of punitive damages against an employer who is determined to be vicariously liable for the act or omission of an employee; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 214(JUD)  
(same title)

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

Do pass (3): Holm, Samuels, McGuire

Do not pass (2): Gara, Gruenberg

No recommendation (1): Anderson

Amend (1): Ogg

The following fiscal note(s) apply to CSHB 214(JUD):

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

HB 214 was referred to the Rules Committee for placement on the calendar.

**SB 43**

The Labor & Commerce Committee has considered:

CS FOR SENATE BILL NO. 43(FIN)

"An Act extending the termination date of the State Medical Board."

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

Do pass (6): Gatto, Crawford, Guttenberg, Dahlstrom, Rokeberg, Anderson

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

CSSB 43(FIN) was referred to the Rules Committee for placement on the calendar.

**SB 83**

The Transportation Committee has considered:

SENATE BILL NO. 83

"An Act naming the Sven Haakanson, Sr. Airport at Old Harbor."

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

Do pass (7): Ogg, Kookesh, Kapsner, Kohring, Fate, Holm, Masek

The following fiscal note(s) apply:

1. Zero, Dept. of Transportation & Public Facilities

SB 83 was referred to the State Affairs Committee.

### **INTRODUCTION OF CITATIONS**

The following citation was introduced and referred to the Rules Committee for placement on the calendar:

In Memoriam - Sheryl Roberta Nelson, Shandelle Marie Nelson,  
Adrienne Shalon Nore

By Representative Wilson; Senator Taylor

### **INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS**

#### **HCR 16**

HOUSE CONCURRENT RESOLUTION NO. 16 by the House Rules Committee:

Proposing amendments to the Uniform Rules of the Alaska State Legislature providing that the 2000 edition of "Mason's Manual of Legislative Procedure" shall implement the rules; and providing for an effective date for the amendments.

was read the first time and referred to the Rules Committee.

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

#### **HB 239**

HOUSE BILL NO. 239 by Representative Chenault, entitled:

"An Act directing the Department of Public Safety to establish an Internet-based identification and tracking system relating to controlled substances that are prescribed for human use; and relating to the manner in which prescriptions for controlled substances may be filled by a pharmacist."

was read the first time and referred to the Health, Education & Social Services, State Affairs, and Finance Committees.

**HB 240**

HOUSE BILL NO. 240 by the House Special Committee on Economic Development, International Trade, & Tourism, entitled:

"An Act establishing a state lottery."

was read the first time and referred to the House Special Committee on Economic Development, International Trade, & Tourism, the House Special Committee on Ways & Means, and the Finance Committee.

**HB 241**

HOUSE BILL NO. 241 by Representative Chenault, entitled:

"An Act relating to optional exemptions from municipal property taxes on residential property."

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

**HB 242**

HOUSE BILL NO. 242 by Representative Hawker, entitled:

"An Act relating to licensing of certified public accountants."

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

**HB 243**

HOUSE BILL NO. 243 by the House Rules Committee by request of the Governor, entitled:

"An Act establishing state agency program performance management and audit powers in the Office of the Governor for the evaluation of agency programs; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Zero, Office of the Governor

The Governor's transmittal letter dated April 3, 2003, follows:

"Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would establish state agency program performance management and audit powers in the Office of the Governor. This bill would establish powers in the office of management and budget necessary to evaluate program performance by executive branch agencies. These powers would include express authorization for the exercise of internal audit powers. It is my intent that this authority permit the centralization of the internal audit function, which had been a declining effort under previous Administrations. I intend to use internal audits as a management tool in my Administration's continuing effort to streamline and make efficient the operations of state agencies.

The bill also would make certain audit records confidential. This provision mirrors the powers given to legislative auditors and is considered necessary to make the auditors effective in the performance of their duties.

I urge your favorable consideration of this bill.

Sincerely,  
/s/  
Frank H. Murkowski  
Governor"

**HB 244**

HOUSE BILL NO. 244 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the Code of Criminal Procedure; relating to defenses, affirmative defenses, and justifications to certain criminal acts; relating to rights of prisoners after arrest; relating to discovery, immunity from prosecution, notice of defenses, admissibility of certain evidence, and right to representation in criminal proceedings; relating to sentencing, probation, and discretionary parole; amending Rule 16, Alaska Rules of Criminal Procedure, and Rules 404, 412, 609, and 803, Alaska Rules of Evidence; and providing for an effective date."

was read the first time and referred to the Judiciary and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Fiscal, Dept. of Corrections

The Governor's transmittal letter dated April 3, 2003, follows:

"Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making changes to criminal procedures that would allow for more straightforward and fair prosecution of crime in Alaska. Additionally, the bill would improve the criminal law regarding sentences.

The bill proposes the following changes in criminal procedures:

Deterring Those Who Take Deadly Weapons to a Fight. We have to cut down on the violence on our streets. There are too many drug dealers, gang members, and violent people who bring guns to situations where they know they will get into fights; they then claim self-defense when they use the gun. Too many innocent people die, and prosecution is too difficult. We need to put a stop to this. If you bring a gun to a fight, you should be responsible for the consequences. Self-defense should not excuse a killing if the defendant brought a deadly weapon to a confrontation with reason to believe that combat would result. The Alaska Supreme Court long ago declared in *Bangs*

v. State, 608 P.2d 1 (Alaska 1980), that a person who brings a deadly weapon to a confrontation, having reason to know that the encounter will likely result in combat, should not be entitled to self-defense protection. But trial judges have become too loose in enforcing the Alaska Supreme Court's admonition. A defendant who brings a gun to an encounter and uses it to finish a fight should not be able to claim self-defense.

Improving the Law of Self-Defense, Deadly Force In Self-Defense, Heat Of Passion, And Other Defenses. A related change is also necessary in the law of self-defense and "heat of passion." The prosecution always bears the burden of proving the essential elements of an offense, but if the defendant is going to raise a defense of which the defendant has exclusive knowledge, the defendant should have the burden to prove the defense by a preponderance of the evidence. This is called an affirmative defense, and the legislature has already created many examples in the Alaska Statutes. For example, duress is an affirmative defense. To establish duress, the defendant must prove that the defendant was coerced to commit a crime by a threat of imminent harm. The burden is correctly on the defendant, because only the defendant knows the effect of the threat.

The bill would change several similar defenses -- heat of passion, self-defense, the use of deadly force in self-defense, and defense of a third person -- to affirmative defenses. Currently, prosecutors must prove a negative. For example, if the defendant claims heat of passion (a defense to intentional murder in the first and second degrees), the state would have to disprove that the victim, who is dead, acted in a way to arouse the passion of the defendant. The bill provides that the defendant, who is often the only eyewitness still alive at trial, would be required to prove that "heat of passion" was aroused because of provocation by the victim. Citizens who defend themselves in their own homes and must use force to protect their families are not affected by this change. If the person acting in self-defense is a peace officer, or is on the person's own premises and is not assaulting a household member, this bill leaves the current law on self-defense intact, and requires that the prosecution disprove self-defense.

Right of Arrested Person. The bill would clarify that a person who is arrested has the right to a telephone call or visit from a friend, relative,

or attorney. However, the right belongs to the person arrested, to exercise at his or her discretion.

Limiting Collateral Attacks on Prior Convictions. When an habitual criminal commits a new crime, the punishment is often greater because of the person's prior convictions. But it is now a common tactic in the new criminal case to attack the old convictions on technicalities. This means that before the prosecutor can even begin to prove the new crime, the prosecutor is forced to validate what happened in an old conviction, which is often from another state. This is generally a fruitless inquiry. The law already provides many avenues by which offenders can have their convictions reviewed. Unless a conviction was invalid because the defendant was denied the right to counsel or to a jury trial, the state should be able to rely on those convictions in prosecuting repeat criminals.

Admissibility of Prior Convictions. In the criminal code, the conviction of a prior crime is, in a few cases, an element of another offense. For example, having two prior drunk driving convictions within a certain period of time is an element of felony drunk driving. The bill would clarify that in these circumstances, evidence of prior convictions is admissible in order to prove all the elements of the charged offense. Although generally courts do not admit this evidence, the legislature has the authority to allow it. The bill also would overrule *Ostlund v. State*, 51 P.2d 938 (Alaska App. 2002), which requires a bifurcated trial, by allowing, at any time in the prosecution, evidence of prior convictions in the state's case if the prior conviction is an element of the current crime.

Grants of Immunity. The bill would give prosecutors the information needed to decide whether to grant immunity to a witness. If a witness claims a privilege against self-incrimination and refuses to testify, the only way to obtain that testimony under the Alaska Constitution is to give the person complete immunity for any crime the person may testify about. This makes it critical for the state to know what crimes will be immunized before offering immunity, but that is impossible under current procedures used by the courts. The current practice is for the judge to decide whether the witness is entitled to immunity in a closed hearing in which the prosecution is not allowed to be present. The prosecutor thus does not know what crimes require immunity. A

homicide prosecution that currently is awaiting trial is a good example. The defendant, while in jail, allegedly tried to arrange for the killing of the trooper transporting him to court, so the defendant could escape. A cellmate notified the police, but will not testify without immunity. The judge held a hearing without the prosecutor, and ruled that the cellmate had a privilege against self-incrimination, but wouldn't reveal how the cellmate's testimony would incriminate him -- or even whether the cellmate feared prosecution for a felony or a misdemeanor. Unwilling to grant immunity blindfolded, the prosecutor must forego this powerful evidence of consciousness of guilt of the defendant.

The bill would give guidance to the court for evaluating a claim of privilege, and would allow the prosecutor to obtain necessary information and to be present at any hearings on the matter. Judges thus would no longer decide these issues without hearing both sides, and the prosecutor can make an informed decision about immunity.

Consecutive sentences. This bill also would strengthen and clarify the law regarding consecutive sentences for conviction of more than one crime. In 1982, AS 12.55.025(e) and (g), which mandated full consecutive sentences for each count of homicide, assault, and sexual offense, were enacted. But because of imprecise drafting, this clear expression of legislative intent was instead interpreted to be merely a "legislative preference" for consecutive sentences that courts were free to ignore. *State v. Andrews*, 707 P.2d 900 (Alaska App. 1985), *aff'd*, 723 P.2d 85 (Alaska 1986). Later, in 1988, the legislature mandated consecutive sentences for assaults against children, but the provision that was finally enacted provided no firm guidance to the courts, especially in the most serious sexual assaults. AS 12.55.025(h).

As a result of the interpretations of the courts, trial judges ignore or pay only nominal recognition to the legislature's preference for consecutive sentences. For example, in the recent case of *State v. Glaser*, the defendant was convicted of two counts of second degree murder and one count of first degree assault. The sentence imposed by the superior court treated the drunk driving killing of two people and the serious physical injury of a third person as if only one victim had been affected by the crime, and imposed a sentence only slightly longer than the mandatory minimum sentence for a single count of second degree murder.

This bill would adopt minimum requirements for consecutive sentencing in cases involving multiple counts of homicide, kidnapping, first degree sexual assault, and first degree sexual abuse of a minor (sexual penetration). Although this bill does not go so far as the fully consecutive sentencing reflected in the 1982 legislation, it does provide more specific guidance than exists in current law. In a second degree murder case such as *State v. Glaser*, for example, the bill would require that imprisonment for at least 10 consecutive years be imposed for the second conviction of second degree murder, and some additional consecutive term of imprisonment be imposed for the assault on the third victim.

Better Notice of Expert Witnesses And Defenses. Delay, confusion, and other problems often result from the inefficient exchange of information about defenses and expert witnesses in criminal prosecutions. The discovery rules are supposed to make pretrial procedure orderly and avoid surprises at trial. However, our prosecutors report that at times attorneys who give late notice or no notice rarely suffer adverse consequences from the court, which encourages further disregard of the rules. The bill would adopt procedures for a more orderly exchange of expert witness information, and it also would adopt firm sanctions for violation of the rules. If a party does not provide notice of an expert in the time set out in the rule, the person may not use the expert testimony. The bill also would require that notice of certain defenses be made as required by the rules or the offering of that defense could be forfeited.

Expanding Impeachment of Testimony. The bill also would amend several provisions in the Alaska Rules of Evidence. Under the current rules, a statement obtained from a defendant that was not preceded by the warnings required in *Miranda v. Arizona*, 384 U.S. 436 (1966), is not admissible except in a prosecution for perjury. That is, although the statement may not be used against the person for the underlying offense, it may be used in a subsequent perjury prosecution if the person testifies falsely at trial. The bill would expand this exception to allow the statement to be used for impeachment if the person testifies falsely. Under the current court rule, a defendant in a murder case whose statements to police were suppressed could lie with impunity on the stand, knowing that at most the defendant faced a later prosecution for perjury. The bill's change to the court rule would, however, allow

the defendant's statement to be used to contradict the defendant's testimony in the murder trial if the defendant lied.

A similar court rule limits the use of evidence obtained with an invalid search warrant or if the police make a mistake in the technical rules governing search and seizure. Such evidence is not admissible for the underlying prosecution, and can only be used in a subsequent perjury case. This bill would allow this evidence to be used to impeach the defendant or other witness on cross-examination. The exclusionary rule discourages careless law enforcement by excluding illegally obtained evidence. It should not give witnesses a chance to testify falsely at trial.

Current rules also allow a witness's credibility to be impeached by a prior conviction for a crime involving dishonesty or false statement (for example, theft, robbery, burglary, perjury) if the conviction occurred within five years of the testimony. However, in many instances, the five-year period is over before the person is even out of jail, so juries never find out that the person has a conviction for dishonesty. This bill would amend the court rule to allow juries to be told of such convictions if less than five years has elapsed from the person's unconditional discharge from probation or parole.

Giving Juries the Full Picture in Domestic Violence Cases. Domestic abusers often succeed in pressuring their domestic partners into not testifying against the abuser. In order to prosecute such cases, the prosecutor must be able to introduce evidence from other persons to tell the jury the whole story. But if the jury isn't allowed to know what was said immediately after the assault, the jury only gets part of the story. We can change this, and provide more perpetrators with the help they need to stop abusing. Victims of domestic violence are often unavailable to testify at trial -- often for compelling reasons concerning their safety and the safety of their children. Under current court rules, if the victim is not present, the statements of the victim are admissible only if the statements qualify under the narrow rule for "excited utterances."

This bill would expand that rule in domestic violence cases, so that a jury can learn about all statements made within 24 hours of the crime, if there are other indications of reliability. This hearsay exception

would apply to statements that an assault occurred, and also if the victim recanted and denied that an assault occurred.

New Mitigating Factor for Defendants Who Show Concern for Victims of Sexual Offenses. Victims of sexual offenses, more so than any other crime, dread testifying in open court and often view giving testimony as being victimized again. They must not only testify in front of a jury of citizens and the defendant who violated them, but it must be done in public and often in cases that gain press attention. This is very traumatic for the victim. Sex offenders who have genuine remorse for their crimes do not want to put the victim through this crucible. For those sex offenders who quickly plead guilty, thus sparing their victims the ordeal of public testimony, this bill would provide a statutory "mitigating factor" that the judge may take into consideration in reducing the person's sentence.

I urge your prompt and favorable consideration of this bill.

Sincerely,

/s/

Frank H. Murkowski  
Governor"

**HB 245**

HOUSE BILL NO. 245 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to certain suits and claims by members of the military services or regarding acts or omissions of the organized militia; relating to liability arising out of certain search and rescue, civil defense, homeland security, and fire management and firefighting activities; and providing for an effective date."

was read the first time and referred to the House Special Committee on Military & Veterans' Affairs and the Judiciary and Finance Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Law
2. Zero, Dept. of Natural Resources

Fiscal note(s) forthcoming.

The Governor's transmittal letter dated April 3, 2003, follows:

"Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to certain suits and claims by members of the military services or regarding acts or omissions of the organized militia, and relating to liability arising out of certain search and rescue, civil defense, homeland security, and fire management and firefighting activities.

The bill consists of four main parts:

Suits Arising from Search and Rescue Activities  
(Section 2 of the bill)

First, by statute, search and rescue activities are permissive functions of the commissioner of public safety. In practice, the Alaska State Troopers make decisions about when and where to conduct search and rescue activities, and how to allocate resources -- both state personnel and community volunteers -- to those activities. The expenses are borne by the state treasury.

This bill provides that a person may not bring a lawsuit for damages that arise out of such search and rescue activities, or the failure to initiate such search and rescue activities. Given Alaska's vast geographic area, harsh climatic conditions, and limited trooper resources, it is important to ensure that search and rescue decisions are not undermined by possible tort exposure. It is also important to ensure that the safety of local volunteers who conduct search and rescue operations under trooper supervision is not jeopardized by the possibility of a search and rescue decision being influenced by potential tort liability rather than being based on appropriate safety concerns.

Alaska Supreme Court decisions have provided that no actionable duty is owed by police agencies when they undertake, or fail to undertake, police investigations. Search and rescue operations are essentially another form of investigation. They should be conducted, or not conducted, on their own intrinsic merits, as judged by the participating officers. By prohibiting lawsuits arising out of search and rescue activities, this bill would treat those activities consistently with other police investigations.

Certain Suits and Claims by Members of Military Services Arising from Military Services and Concerning the Organized Militia  
(Sections 3 - 6 of the bill)

Second, the Alaska Supreme Court, in a recent decision, ruled that the State of Alaska may be sued and held liable for tort claims by injured members of the Alaska National Guard and a member of the Indiana National Guard for injuries that were incurred during the members' service with the national guard. The Alaska Supreme Court did not adopt the federal rule (known as the *Feres* doctrine) that bars tort claims by military service personnel for injuries arising out of activities that were incident to their service in the federal military or the national guard. While the Alaska Supreme Court did not address tort claims by members of the United States military or other parts of the Alaska organized militia, its ruling could be applied to permit such claims against the State of Alaska.

State national guard or militia operations may include air and sea rescue missions, civil defense activities, training exercises, and travel to military bases and locations in Alaska and in other states and countries. Given this state's vast land area, its harsh geographic and climatic conditions, and the inherent hazards of national guard and militia activities, the State of Alaska may be faced with significant financial exposure for injuries to national guard, militia, or other military service members. In addition, tort lawsuits by injured service members against the Alaska National Guard, the militia, or other service members would involve the courts in reviewing and second-guessing military decisions regarding the personnel, training, equipment, orders, discipline, and operations of the national guard and militia. It is important to ensure that such decisions are based on the

professional judgment and military needs of the Alaska National Guard and other parts of the Alaska organized militia rather than on concerns regarding possible tort liability.

This bill provides that a lawsuit for damages may not be brought by or on behalf of a member of the military services against the State of Alaska, the Alaska National Guard or other part of the Alaska organized militia, or any other member of the military services, for death, personal injury, or other injury of a member of the military services, including the United States military, the Alaska National Guard or other parts of the Alaska organized militia, or the national guard of another state, incurred during or arising out of activities that were part of the member's military service. It would essentially adopt the federal *Feres* doctrine that bars intra-military tort claims by service personnel for injuries arising out of activities incident to their military service. It would provide the state and state military personnel with the same protection from tort lawsuits that the federal government and federal military personnel are provided under the *Feres* doctrine.

Under this bill, injured military service members would still be entitled to various military or veteran's benefits for injuries incurred in the course of their military service. The availability of these military benefits is one of the reasons that the federal courts have barred personal injury claims by military personnel under the *Feres* doctrine.

This bill also would clarify that members of the Alaska National Guard or other parts of the organized militia are entitled to only workers' compensation benefits for injuries, illness, or death related to active state service. Because members of the Alaska National Guard are entitled to federal benefits when not on state active duty, this change will not affect receipt of those benefits.

Additionally, this bill would bar actions against the State of Alaska regarding activities of Alaska National Guard members when they are not on state active duty. This change is necessary because members of the Alaska National Guard who are not on state active duty, including those on federal active duty, active duty for training, inactive duty, active guard and reserve (AGR) duty, and civilian technicians, are under the command and control of the federal government. The change is necessary to address two Alaska Supreme Court decisions

that held that the state could be responsible for the actions of national guard members who are not on state active duty, as being "borrowed" federal employees, and that considered those in AGR status to be state employees. The changes made by the bill would ensure that the state is not liable for acts or omissions of the federal government or federal employees.

Suits and Claims Arising from Civil Defense and Homeland Security Activities

(Sections 7 - 11 of the bill)

Third, the bill would amend AS 26.20.140, a section in the civil defense chapter of the statutes that provides immunity for government and employees from liabilities arising out of civil defense activities. Presently, AS 26.20.140(a) provides that the state, any district established for civil defense purposes, and the agents or representatives of a state or district, may not be held liable for injury or property damage sustained by a volunteer civilian defense worker. The bill would amend AS 26.20.140(a) to broaden the immunity to cover injury or property damage sustained by any civilian defense or homeland security worker, including authorized volunteers and employees, and to specify that the immunity extends to employees of the state or district as well as the agents and representatives of the state or district. In addition, existing AS 26.20.140(b) provides that the state and any district established for civil defense purposes, their employees, agents, or representatives, authorized volunteer or auxiliary civil defense workers, and members of any other agency engaged in civilian defense activities, who are complying with or reasonably attempting to comply with AS 26.20 or an order or regulation issued under AS 26.20, are not liable for injury to persons or damage to property as a result of their activities. The bill would amend S 26.20.140(b) to provide immunity for homeland security activities as well as civil defense activities, and to include any homeland security or civil defense activities undertaken under the authority of AS 26.20, the civil defense statutes.

AS 26.20.140(b) presently provides an exception to the immunity in cases of willful misconduct, gross negligence, or bad faith. The bill would amend that subsection to provide an exception only where malice or reckless indifference to the interests, rights, or safety of

others is shown by clear and convincing evidence. The bill's amendment to AS 26.23.210 would make the immunity also apply when the entities and persons covered by AS 26.20.140 perform duties under AS 26.23.010 - 26.23.220, the Alaska Disaster Act.

The bill also would amend AS 26.20.140 to add a new subsection to specify that "civilian defense or homeland security worker" means any worker engaged in a civil defense or homeland security activity in an official capacity or at the direction of the state, including federal, state and local officials, state and local contractors, officers and employees of other states, and volunteers.

The bill would amend the definitions section of the civil defense statutes, AS 26.20.200. The existing definition of "civil defense" in AS 26.20.200(1) would be amended to include security, vaccinations and other actions to protect public health and training, preparation, travel, and other activities necessary for the provision of civil defense services. A new paragraph (4) also would be added to the definitions statute to define "homeland security" to mean the detection, prevention, preemption, deterrence of, protection from, and response to, attacks targeted at state territory, population, or infrastructure. This definition is based on a definition of homeland security in the Iowa statutes.

Suits Arising From Fire Management and Firefighting Activities  
(Sections 12 and 13 of the bill)

By statute, the commissioner of natural resources (commissioner) is authorized to provide for fire management and firefighting activities throughout the state, including preventing, monitoring, suppressing, or controlling forest fires. The commissioner, through the division of forestry, provides for fire management and firefighting activities. The division of forestry's authority to prevent, monitor, suppress, or control forest fires is one aspect of its authority to manage state forest resources. The division of forestry is asked to respond to forest fires in various geographic areas and population zones in Alaska, which often occur simultaneously during the fire season. When responding to a given fire, authorities cannot forget other fires that may be burning simultaneously or that may soon occur. The division of forestry's fire prevention, monitoring, control, or suppression decisions

are complicated decisions that involve an evolving, and primarily emergency, situation.

The Alaska Supreme Court, in tandem decisions issued in 2001, ruled that the State of Alaska may be sued and held liable for tort claims for losses due to fire suppression efforts. These decisions open the door to significant financial exposure to the state for losses due to fires. The Alaska Supreme Court departed from substantial precedent immunizing such activities.

Decisions regarding forest management related to fire control and suppression should be prompted by sound forestry and firefighting principles, rather than concerns regarding possible tort liability. Litigation of such claims inherently disrupts the division of forestry's day-to-day operations and diverts substantial state resources to defend such lawsuits. At the same time such litigation will not reduce the number of future fires, nor will it increase the resources available to fight such fires.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski  
Governor"

**HB 246**

HOUSE BILL NO. 246 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the limitation on upland acreage that a person may take or hold under oil and gas leases; and providing for an effective date."

was read the first time and referred to the House Special Committee on Oil & Gas and the Resources Committee.

The following fiscal note(s) apply:

1. Indeterminate, Dept. of Natural Resources

The Governor's transmittal letter dated April 3, 2003, follows:

"Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would amend AS 38.05.140(c) to increase the upland acreage limit for oil and gas leases from 500,000 acres to 750,000 acres, except for land north of the Umiat Meridian baseline.

Currently, under AS 38.05.140(c) oil and gas lessees may hold not more than a total of 500,000 acres on tide and submerged land and no more than 500,000 acres on uplands. While oil and gas leases with certified wells and those included within units are excluded from these acreage limitations, many operating oil and gas companies are already either at the existing 500,000 acre limitation or close to it. The bulk of this acreage is located on the North Slope and Beaufort Sea.

In the past few years, the Department of Natural Resources has been encouraging exploration of frontier areas such as the North Slope foothills. The bill would increase the maximum upland acreage to 750,000, of which no more than 500,000 acres could be located north of the Umiat Meridian baseline. Thus, companies would be able to lease and explore acreage in Alaska's frontier basins while still maintaining their interests on the North Slope.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski  
Governor"

**HB 247**

HOUSE BILL NO. 247 by the House Rules Committee by request of the Governor, entitled:

"An Act repealing statutes pertaining to the Alaska Science and Technology Foundation and transferring money in the foundation's endowment; repealing statutes relating to the BIDCO assistance program; repealing statutes pertaining to the

international trade and business endowment and transferring money in the international trade and business endowment; transferring oversight administration of outstanding Alaska Science and Technology Foundation loans and grants to the Alaska Industrial Development and Export Authority; establishing an Alaska BIDCO assistance program to be administered by the Department of Community and Economic Development; making conforming amendments; and providing for an effective date."

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

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

The Governor's transmittal letter dated April 3, 2003, follows:

"Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating primarily to the Alaska Science and Technology Foundation (ASTF) and the programs it currently administers.

The bill would repeal the existing AS 37.17 statutes that create the ASTF, its endowment fund, and the programs it administers -- foundation grants and the BIDCO assistance program. The statute creating the international trade and business endowment in the ASTF also would be repealed. Subject to appropriation, the bill would provide for the transfer to the general fund of the money remaining in the ASTF endowment fund and in the international trade and business endowment.

Oversight administration of existing ASTF foundation grants and BIDCO assistance program loans and other financial assistance would be transferred to the Alaska Industrial Development and Export Authority. A new Alaska BIDCO assistance program, very similar to the repealed BIDCO assistance program, also would be established, to be administered by the Department of Community and Economic Development.

The bill also would make amendments in several other statutes to conform them to the changes described above.

I urge your prompt and favorable consideration of this bill.

Sincerely,  
/s/  
Frank H. Murkowski  
Governor"

**HB 248**

HOUSE BILL NO. 248 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the annual salary of the chief procurement officer; and providing for an effective date."

was read the first time and referred to the State Affairs Committee.

The following fiscal note(s) apply:

1. Zero, Dept. of Administration

The Governor's transmittal letter dated April 3, 2003, follows:

"Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the annual salary of the chief procurement officer.

The salary of the chief procurement officer (CPO) is set in statute in AS 36.30.010(d). The salary of the CPO is currently at range 23 of the salary schedule established in AS 39.27.011. This bill would set the annual salary of the CPO at range 24. The increase in the salary of the CPO is being requested because the CPO now will head the division of general services in the Department of Administration; the director position of that division is being eliminated. The duties normally performed by the director of general services will be undertaken by the

CPO. But, because the CPO salary is set in statute, the additional duties to be performed by the CPO cannot be compensated with an increase in pay without a change in law.

The duties to be assumed by the CPO as head of the division of general services are in keeping with the statutory duties and powers of the CPO as set out in AS 36.30.010(b). Due to the expanded duties to be undertaken by the CPO as head of the division of general services, I propose that the annual salary of the CPO be increased from range 23 to range 24.

This bill will not result in an increased appropriation because the increase in the pay range for the CPO provides for an annual salary that is less than the annual salary ordinarily paid a division director.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Frank H. Murkowski  
Governor"

**HB 249**

HOUSE BILL NO. 249 by Representative McGuire, entitled:

"An Act relating to actions involving monopolies and restraint of trade; and providing for an effective date."

was read the first time and referred to the Judiciary Committee.

**CONSIDERATION OF THE DAILY CALENDAR**

**SECOND READING OF SENATE BILLS**

**SB 20**

The following was read the second time:

## CS FOR SENATE BILL NO. 20(FIN)

"An Act relating to the Board of Marine Pilots and to marine pilotage; extending the termination date of the Board of Marine Pilots; and providing for an effective date."

with the:	Journal Page
L&C RPT 6DP	508
FN1: (CED)	509
FIN RPT 10DP	668
FN1: (CED)	668

Representative Coghill moved and asked unanimous consent that CSSB 20(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 20(FIN) was read the third time.

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

The question being: "Shall CSSB 20(FIN) pass the House?" The roll was taken with the following result:

CSSB 20(FIN)  
Third Reading  
Final Passage

**YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0**

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Heinze, Whitaker

And so, CSSB 20(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.

CSSB 20(FIN) was signed by the Speaker and Chief Clerk and returned to the Senate.

**SB 74**

The following was read the second time:

CS FOR SENATE BILL NO. 74(RES) am  
 "An Act extending the renewal period for oil discharge prevention and contingency plans; and providing for an effective date."

with the:	Journal Page
FIN RPT 6DP 4NR	635
FN1: ZERO(DEC)	636

Representative Coghill moved and asked unanimous consent that CSSB 74(RES) am be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 74(RES) am was read the third time.

The question being: "Shall CSSB 74(RES) am pass the House?" The roll was taken with the following result:

CSSB 74(RES) am  
 Third Reading  
 Final Passage

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

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Williams, Wilson, Wolf

Nays: Weyhrauch

Excused: Heinze, Whitaker

And so, CSSB 74(RES) 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.

Representative Weyhrauch gave notice of reconsideration of the vote on CSSB 74(RES) am.

## SECOND READING OF HOUSE RESOLUTIONS

### HCR 11

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 11  
Relating to Alaska Salmon Day.

with the:	Journal Page
FSH RPT CS(FSH) NT 4DP	615
FN1: ZERO(LEG)	616
RES RPT (FSH) NT 8DP	760
FN1: ZERO(LEG)	760

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original resolution:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 11(FSH)  
Relating to Alaska Wild Salmon Day.

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Stoltze, Gatto, and Wolf:

Page 1, line 1 (title amendment):

Delete "**Day**"

Insert "**Week, June 30 - July 4, 2003**"

Page 1, line 9, following "runs,":

Delete "an on-going"

Insert "on-going sport and commercial"

Page 1, line 12, following "Council":

Insert "and the Alaska Department of Fish and Game"

Page 1, line 14, following "and":

Insert "**WHEREAS** the individual harvesting of Alaska wild salmon is an important Alaskan tradition with immeasurable economic and personal benefits for hundreds of thousands of Alaskans; and"

Page 2, line 3, following "designates":

Delete "July 2, 2003, as Alaska Wild Salmon Day"

Insert "the week of June 30 - July 4, 2003, as Alaska Wild Salmon Week,"

Page 2, line 4:

Delete "day"

Insert "week"

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

Objection was heard.

Representative Stoltze moved and asked unanimous consent to withdraw Amendment No. 1. There being no objection, it was so ordered.

New Amendment No. 1 was offered by Representatives Stoltze, Gatto, and Wolf:

Page 1, line 1 (title amendment):

Delete "**Day**"

Insert "**Week, June 30 - July 4, 2003**"

Page 1, line 9, following "runs,":

Delete "an on-going"

Insert "on-going sport and commercial and subsistence"

Page 1, line 12, following "Council":

Insert "and the Alaska Department of Fish and Game"

Page 1, line 14, following "and":

Insert "**WHEREAS** the individual harvesting of Alaska wild salmon is an important Alaskan tradition with immeasurable economic and personal benefits for hundreds of thousands of Alaskans; and

**WHEREAS** Alaska wild salmon have historically provided sustenance for generations in our state through traditional subsistence and personal use harvest; and"

Page 2, line 3, following "designates":

Delete "July 2, 2003, as Alaska Wild Salmon Day"

Insert "the week of June 30 - July 4, 2003, as Alaska Wild Salmon Week,"

Page 2, line 4:

Delete "day"

Insert "week"

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

Representative Kerttula objected.

Amendment to New Amendment No. 1 was offered by Representative Stoltze:

Delete "sport and commercial and subsistence"

Insert "sport, commercial, and subsistence"

Representative Wolf objected and withdrew the objection. There being no further objection, Amendment to New Amendment No. 1 was adopted.

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

CS FOR HOUSE CONCURRENT RESOLUTION NO.  
11(FSH) am  
Relating to Alaska Wild Salmon Week, June 30 - July 4, 2003.

The question being: "Shall CSHCR 11(FSH) am pass the House?"  
The roll was taken with the following result:

CSHCR 11(FSH) am  
Second Reading  
Final Passage

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

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Heinze, Whitaker

Absent: Moses

And so, CSHCR 11(FSH) am passed the House and was referred to the Chief Clerk for engrossment.

## SECOND READING OF SENATE RESOLUTIONS

### SCR 4

The following was read the second time:

CS FOR SENATE CONCURRENT RESOLUTION NO. 4(STA)  
Relating to Avalanche Awareness Month.

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with the:

Journal Page

STA RPT HCS(STA) 7DP  
FN1: ZERO(S.STA)

667  
668

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original resolution:

HOUSE CS FOR CS FOR SENATE CONCURRENT  
RESOLUTION NO. 4(STA)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Morgan:

Page 2, line 18, following "Ski Hill;"

Insert "to the operators of the Alaska Trail Blazers, Inc.;"

Representative Morgan 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.

The question being: "Shall HCS CSSCR 4(STA) am H pass the House?" The roll was taken with the following result:

HCS CSSCR 4(STA) am H  
Second Reading  
Final Passage

**YEAS: 38 NAYS: 0 EXCUSED: 2 ABSENT: 0**

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Heinze, Whitaker

And so, HCS CSSCR 4(STA) am H passed the House and was referred to the Chief Clerk for engrossment.

### LEGISLATIVE CITATIONS

Representative Coghill moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Tribute to the Hunter, Robert Aiken, Sr., Sakkaaluk

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

Honoring - Mary and Joe Jensen, 50th Wedding Anniversary

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

Commemorating - National Day of Prayer and Alaska Day of Prayer, May 1, 2003

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

### 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 Wolf - from 7:00 p.m., April 14 to morning plane time, April 22, 2003

Representative Weyhrauch - from 8:00 a.m. to noon, May 3, 2003.

### **HSCR 1**

Representative Gara moved and asked unanimous consent that the following resolution be withdrawn from the Resources Committee:

HOUSE SPECIAL CONCURRENT RESOLUTION NO. 1  
Disapproving Executive Order No. 107, relating to the transfer of certain functions of the Department of Fish and Game to the Department of Natural Resources and to the transfer of certain functions within the Department of Natural Resources.

Representative Coghill objected.

The question being: "Shall HSCR 1 be withdrawn from the Resources Committee?" The roll was taken with the following result:

### HSCR 1

Withdraw from Resources Committee

**YEAS: 13 NAYS: 25 EXCUSED: 2 ABSENT: 0**

Yeas: Berkowitz, Cissna, Crawford, Croft, Gara, Gruenberg, Guttenberg, Joule, Kapsner, Kerttula, Kookesh, Moses, Seaton

Nays: Anderson, Chenault, Coghill, Dahlstrom, Fate, Foster, Gatto, Harris, Hawker, Holm, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Heinze, Whitaker

And so, the motion failed.

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 McGuire - from 7:30 p.m., plane time, April 4 to 9:00 a.m., April 6, 2003

Representative Dahlstrom - from plane time, tonight to morning plane time, April 7, 2003

**HJR 9**

The Speaker added a House Special Committee on Ways & Means referral to precede the State Affairs Committee referral for the following:

## HOUSE JOINT RESOLUTION NO. 9

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit and a spending limit.

HJR 9 was removed from the State Affairs Committee and referred to the House Special Committee on Ways & Means.

**HB 205**

The Speaker added a Finance Committee referral for the following:

## HOUSE BILL NO. 205

"An Act relating to service in the peace corps as an allowable absence from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

HB 205 was removed from the Rules Committee and referred to the Finance Committee.

**SB 43**

The Speaker added a Finance Committee referral for the following:

## CS FOR SENATE BILL NO. 43(FIN)

"An Act extending the termination date of the State Medical Board."

CSSB 43(FIN) was removed from the Rules Committee and referred to the Finance Committee.

**HCR 10**

Representative Wilson added her name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 10  
Relating to restoration of riparian habitat that is vital to the fisheries resources of the state.

**HCR 11**

Representatives Dahlstrom and Wilson added their names as cosponsors to:

CS FOR HOUSE CONCURRENT RESOLUTION NO.  
11(FSH) am  
Relating to Alaska Wild Salmon Week, June 30 - July 4, 2003.

**HCR 15**

Representative Gara added his name as cosponsor to:

HOUSE CONCURRENT RESOLUTION NO. 15  
Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to the introduction of measures; and providing for an effective date for the amendments.

**HB 86**

Representatives Foster, Rokeberg, Holm, Kott, Lynn, Chenault, Dahlstrom, and Wilson added their names as cosponsors to:

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 86  
"An Act relating to permits issued by the state; and amending Rules 65, 79, and 82, Alaska Rules of Civil Procedure."

**HB 127**

Representative Gatto added his name as cosponsor to:

HOUSE BILL NO. 127  
"An Act allowing certain roadside memorials to be placed within the right-of-way of a state highway."

**HB 237**

Representative Gara added his name as cosponsor to:

HOUSE BILL NO. 237

"An Act relating to introduction of measures in the legislature; and providing for an effective date."

**SCR 1**

Representative Wilson added her name as cross sponsor to:

CS FOR SENATE CONCURRENT RESOLUTION NO. 1(FIN)  
Relating to economic development generated by new road construction and to the design and construction of the Hot Springs Loop Road to connect Chena Hot Springs and Circle Hot Springs, of a highway along the Bradfield/Iskut Rivers transportation corridor, of the Knik Arm Crossing, of a road from Iliamna Bay to Pile Bay, and of other roads and highways.

**SCR 4**

Representative Samuels added his name as cross sponsor to:

HOUSE CS FOR CS FOR SENATE CONCURRENT  
RESOLUTION NO. 4(STA) am H  
Relating to Avalanche Awareness Month.

**SB 20**

Representative Stoltze added his name as cross sponsor to:

CS FOR SENATE BILL NO. 20(FIN)

"An Act relating to the Board of Marine Pilots and to marine pilotage; extending the termination date of the Board of Marine Pilots; and providing for an effective date."

**ENGROSSMENT****HCR 11**

CSHCR 11(FSH) am was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**SCR 4**

HCS CSSCR 4(STA) am H was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

**ENROLLMENT****HB 16**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 2:16 p.m., April 4, 2003:

CS FOR HOUSE BILL NO. 16(FIN) am

"An Act amending, for purposes of the Alaska Stranded Gas Development Act, the standards applicable to determining whether a proposed new investment constitutes a qualified project, the standards used to determine whether a person or group qualifies as a project sponsor or project sponsor group, and the deadline for applications relating to the development of contracts for payments in lieu of taxes and for royalty adjustments that may be submitted for consideration, and modifying the conditions bearing on the use of independent contractors to evaluate applications or to develop contract terms; providing statements of intent for the Act relating to use of project labor agreements and to reopening of contracts; and providing for an effective date."

**HB 139**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:55 a.m., April 4, 2003:

CS FOR HOUSE BILL NO. 139(RES)

"An Act approving an interim classification by the commissioner of natural resources closing certain land within the Glacier Creek and Winner Creek drainages to new mineral entry; and providing for an effective date."

**ANNOUNCEMENTS**

House committee schedules are published daily under separate cover.

**ADJOURNMENT**

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., April 7, 2003. There being no objection, the House adjourned at 11:49 a.m.

Suzi Lowell  
Chief Clerk

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