

SENATE JOURNAL

ALASKA STATE LEGISLATURE

FOURTEENTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

MONDAY

March 17, 1986

Sixty-fourth Day

Pursuant to adjournment, the Senate was called to order by President Bennett at 11:16 a.m.

The roll showed eighteen members present. Senators Sackett and Josephson were absent.

The prayer was offered by the Chaplain, Arssalan Sadighi of the Juneau Baha'i Assembly.

The Pledge of Allegiance was recited.

Senator Halford moved and asked unanimous consent that the journals for the sixty-first, sixty-second and sixty-third legislative days and Senate Supplement No. 55 be approved as certified by the Secretary. Without objection, it was so ordered.

MESSAGES FROM THE HOUSE

HB 530

Message of March 14 was read, stating the House concurred with the Senate Letter of Intent on CS FOR HOUSE BILL NO. 530 (LOANS) am (refinancing loans under the special mortgage loan purchase program; efd).

HB 148

Message of March 14 was read, stating the House has been advised by the Revisor of Statutes and the Enrolling Secretary that CSHB 148 (JUD) (mobile home warranties) was passed with a title that is deficient.

The title should have been changed to "An Act relating to mobile homes" or to "An Act relating to mobile home warranties and sales", to reflect the addition of sec. 5 of the bill. The present title refers only to mobile home warranties, while sec. 5 relates to warranties and to other aspects of mobile home sales.

HB 148 cont'd

The House is returning CSHB 148 (JUD) (mobile home warranties) to the Senate and respectfully requests the Senate to make the technical amendment to the title of the bill.

March 11, 1986

SUBJECT: CSHB 148 (JUD)

TO: Irene Cashen
Chief Clerk

FROM: Rosemary Kimlinger
Enrolling Secretary

In accordance with Rule 43(a) of the Uniform Rules, I am reporting that the revisor of statutes has advised me that the title of CSHB 148 (JUD) is deficient.

When the committee substitute was passed out of committee March 25, 1985, the title should have been changed to "An Act relating to mobile homes" or to "An Act relating to mobile home warranties and sales", to reflect the addition of sec. 5 of the bill. The present title refers only to mobile home warranties, while sec. 5 relates to warranties and to other aspects of mobile home sales.

March 13, 1986

SUBJECT: Mobile homes (CSHB 148 (JUD))

TO: Representative Don Clocksin

FROM: Tamara Brandt Cook
Director
Division of Legal Services

You have asked me what would be the simplest way to correct the deficient title of CSHB 148 (JUD). Because the bill creates rights and obligations between buyers and manufacturers of mobile homes, this legislation is likely to be involved in litigation in the future. It is important that the title fulfill the requirements of the constitution by reflecting the subject of the bill accurately and that it be correctly adopted by the legislature. Therefore, the title should be corrected by the legislature itself rather than by the Chief Clerk of the Revisor of Statutes, since that could well exceed their authority.

The easiest way for the legislature to correct the title would be for the House to return the bill to the Senate. The enrollment process has not been completed, so this can be done. Under Rule 41(b), while the Senate could not amend a bill introduced in the House if the amendment requires a change of title, the Senate can make a technical

HB 148 cont'd

change in the title. This bill was never amended by the Senate at all, so it is clear that any change to the title would be a technical correction. Rule 35 specifically provides "...a title may be amended or change of sponsor made in third reading or after passage by a majority vote of the members present, but the title amendment or sponsor change must be accomplished before the measure acted upon has been enrolled." (Emphasis added) The Senate does not need to rescind passage of the bill to change the title. All that is necessary is that the title be changed upon motion to "An Act relating to mobile homes".

The bill could then be sent over to the House for concurrence in the title correction and enrollment.

Senator Halford moved and asked unanimous consent that the Senate rescind its previous action in passing CS FOR HOUSE BILL NO. 148 (JUD) and return the bill to the House.

Senator Halford moved and asked unanimous consent that his pending motion be held one legislative day. Without objection, it was so ordered.

SB 140

Message of March 14 was read, stating the House passed and returned for consideration CS FOR SENATE BILL NO. 140 (HESS) am with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 140 (JUD) am H
(rights of the terminally ill; efd)

Senator Halford moved and asked unanimous consent that the bill be held on the desk. Without objection, it was so ordered.

FIRST READING AND REFERENCE OF HOUSE BILLS

Message of March 14 was read, stating the House passed and transmitted for consideration:

HB 534

CS FOR HOUSE BILL NO. 534 (JUD) by the Judiciary Committee, entitled:

"An Act relating to violent crimes compensation; and providing for an effective date."

HB 534 cont'd

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

STANDING COMMITTEE REPORTS

SB 353

The Resources Committee considered SENATE BILL NO. 353 (waterfowl conservation stamp program; efd) and a majority of the committee recommended do pass. Senator Sturgulewski, Chairman signed "do not pass without amendment". Senators Zharoff, Fahrenkamp and Coghill signed "do pass".

SENATE BILL NO. 353 was referred to the Judiciary Committee.

SB 356

The Community and Regional Affairs Committee considered SENATE BILL NO. 356 (election campaign financing; efd) and a majority of the committee recommended it be replaced with:

CS FOR SENATE BILL NO. 356 (C&RA), entitled:

"An Act relating to election campaign financing and the Alaska Public Offices Commission; and providing for an effective date."

and do pass. The report was signed by Senator DeVries, Chairman and concurred in by Senators Sturgulewski and Vic Fischer. Senator Coghill signed "no recommendation".

A fiscal note is in Senate Supplement No. 56.

SENATE BILL NO. 356 was referred to the Finance Committee.

SB 405

The Resources Committee considered SENATE BILL NO. 405 (loans under the Alaska grain reserve program) and a majority of the committee recommended do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Coghill, Fahrenkamp and Zharoff.

SENATE BILL NO. 405 was referred to the Finance Committee.

SB 409

The Resources Committee considered SENATE BILL NO. 409 (right to farm) and a majority of the committee recommended it be replaced with:

CS FOR SENATE BILL NO. 409 (RES)

and do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Coghill, Zharoff and Fahrenkamp.

Fiscal note is zero.

SENATE BILL NO. 409 was referred to the Rules Committee.

SB 423

The Rules Committee considered SENATE BILL NO. 423 (creating a missing persons information clearinghouse) and a majority of the committee recommended calendar March 17. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill, Bennett and Faiks.

SENATE BILL NO. 423 is on the calendar.

HCR 55

The Rules Committee considered HOUSE CONCURRENT RESOLUTION NO. 55 (eighteenth annual Girls' State) and a majority of the committee recommended calendar March 17. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill, Bennett and Faiks.

HOUSE CONCURRENT RESOLUTION NO. 55 is on the calendar.

HCR 56

The Rules Committee considered HOUSE CONCURRENT RESOLUTION NO. 56 (twentieth annual Boys' State) and a majority of the committee recommended calendar March 17. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill, Bennett and Faiks.

HOUSE CONCURRENT RESOLUTION NO. 56 is on the calendar.

CONSIDERATION OF THE CALENDAR

SECOND READING OF SENATE BILLS

SB 423

SENATE BILL NO. 423 (missing persons information clearinghouse) was read the second time.

Senator Abood moved and asked unanimous consent for the adoption of the State Affairs Committee Substitute offered on page 1940. Without objection, CS FOR SENATE BILL NO. 423 (SA) was adopted.

CS FOR SENATE BILL NO. 423 (SA) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 423 (SA) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 423 (SA) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 423 (SA) (missing persons information clearinghouse) pass the Senate?" The roll was taken with the following result:

CS SB 423 SA 3RD

Yeas:	18	Abood, Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Kelly, Kerttula, Ray, Rodey, Sturgulewski, Zharoff, Ziegler
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Nays:	0	
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Absent:	2	Josephson, Sackett
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and so, CS FOR SENATE BILL NO. 423 (SA) passed the Senate.

Senator Ray gave notice of reconsideration.

SECOND READING OF HOUSE RESOLUTIONS

HCR 55

HOUSE CONCURRENT RESOLUTION NO. 55 (eighteenth annual Girls' State) was read the second time.

HOUSE CONCURRENT RESOLUTION NO. 55 was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 55 (eighteenth annual Girls' State) pass the Senate?" The roll was taken with the following result:

HCR 55

Yeas: 17 Abood, Bennett, Coghill, DeVries,
Eliason, Fahrenkamp, Faiks,
Fischer Paul, Fischer Vic,
Halford, Kelly, Kerttula, Ray,
Rodey, Sturgulewski, Zharoff,
Ziegler

Nays: 0

Absent: 3 Ferguson, Josephson, Sackett

and so, HOUSE CONCURRENT RESOLUTION NO. 55 passed the Senate, was signed by the President and Secretary and returned to the House.

HCR 56

HOUSE CONCURRENT RESOLUTION NO. 56 (twentieth annual Boys' State) was read the second time.

HOUSE CONCURRENT RESOLUTION NO. 56 was before the Senate on final passage.

The question being: "Shall HOUSE CONCURRENT RESOLUTION NO. 56 (twentieth annual Boys' State) pass the Senate?" The roll was taken with the following result:

HCR 56

Yeas: 17 Abood, Bennett, Coghill, DeVries,
Eliason, Fahrenkamp, Faiks,
Fischer Paul, Fischer Vic,
Halford, Kelly, Kerttula, Ray,
Rodey, Sturgulewski, Zharoff,
Ziegler

Nays: 0

Absent: 3 Ferguson, Josephson, Sackett

HCR 56 cont'd

and so, HOUSE CONCURRENT RESOLUTION NO. 56 passed the Senate, was signed by the President and Secretary and returned to the House.

CITATIONS

Honoring - Institute of Social and Economic
Research 25th Anniversary
by Senators Vic Fischer, Rodey and Sturgulewski

Honoring - Arthur Nelson
by Representatives Taylor and Sund
Senator Ziegler

Senator Halford moved and asked unanimous consent that the citation calendar be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

ANNOUNCEMENTS

Senator Faiks, Co-Chairman, moved and asked unanimous consent that the five-day notice and publication requirements be waived for the Finance Committee meeting on March 20 to consider SENATE BILL NO. 333 (changing the name of the Alaska State Housing Authority). Without objection, it was so ordered.

Announcements appear at the end of the journal.

SPECIAL ORDERS

Senator Zharoff moved and asked unanimous consent that he be excused from the Senate, not subject to a call, on March 21 and March 24-27. Without objection, Senator Zharoff was excused.

Senator Coghill moved and asked unanimous consent that he be excused from a call of the Senate on March 27. Without objection, Senator Coghill was excused.

ADJOURNMENT

Senator Halford moved and asked unanimous consent that the Senate adjourn until 11:00 a.m., March 18, 1986. Without objection, the Senate adjourned at 11:52 a.m.

Peggy Mulligan
Secretary of the Senate

March

1986

ANNOUNCEMENTS

Committee meetings in the Capitol

Change in time or place

COMMUNITY & REGIONAL AFFAIRS - BELTZ ROOM 211 - 3:30 PM

Mar 18 TUESDAY
 HB 186 ANCHORAGE COASTAL WILDLIFE REFUGE
 SB 369 MUNICIPAL FISCAL NOTE FOR LEGISLATION

Mar 20 THURSDAY
 SB 411 ROAD MAINTENANCE SERVICE AREAS
 HB 327 DISCLOSURE OF INFORMATION

Mar 25 TUESDAY
 SB 407 GRANT NORTH SLOPE BOROUGH
 SB 414 MUNICIPAL LAND ENTITLEMENTS
 SB 448 HOME RULE MUNICIPALITIES

Apr 3 THURSDAY
 HB 236 QUADRENNIAL OLYMPIC RESERVE ACCOUNT

FINANCE - FINANCE ROOM 518 - 8:30 AM

Mar 18 TUESDAY
 CANCELED

Mar 19 WEDNESDAY
 REVIEW CAPITAL PROJECTS ALASKA POWER
 AUTHORITY, DEPT. NATURAL RESOURCES

Mar 20 THURSDAY
 SB 387 TAXATION WATERCRAFT MOTOR FUEL
 SB 421 ATTACHMENT OF PERMANENT FUND DIVIDENDS
 SJR 28 RETURN OF EARNINGS PERMANENT FUND
 HB 113 RESERVE TO PAY STATE EMPLOYEE BENEFITS
 SB 339, SB 402, HB 208 MERCURY, ICE, SALMON CLASSICS
 HJR 34 FEDERAL FUNDING CHILD NUTRITION PROGRAMS
 SB 333 ASHA NAME CHANGE

HEALTH, EDUCATION & SOCIAL SERVICES - BELTZ RM 211 - 1:30 PM

Mar 18 TUESDAY
 SB 251 PRACTICE OF PSYCHOLOGY
 SB 456 BOARD OF NURSING HOME ADMINISTRATORS
 SB 457 BOARD OF PHYSICAL THERAPISTS
 HB 114 CORRECTION FACILITIES
 HB 161 STUDENT LOANS
 HB 172 RIGHTS PHYSICALLY AND MENTALLY DISABLED
 HB 228 RETIREMENT BENEFITS PART-TIME TEACHERS

Mar 20 THURSDAY
 SCR 36 JOINT COMMITTEE MENTAL HEALTH TRUST LANDS

JUDICIARY - BUTROVICH ROOM 205 - 1:30 PM

Mar 18 TUESDAY
 SB 362 BUDGET RESERVE FUND
 SB 364 STATE PAYMENT CLAIMS
 SB 400 FRAUDULENT PERMANENT FUND APPLICATIONS
 SB 412 CLAIMS AGAINST THE STATE
 SJR 34 USE AND EXPENDITURE OF STATE MONEY
 SJR 41 APPROPRIATION LIMIT

Mar 20 THURSDAY
 SB 323 MINORS DRIVERS' LICENSES
 SB 341 PROCUREMENT PRACTICES
 SJR 39 RIGHT TO KEEP AND BEAR ARMS

LABOR AND COMMERCE - BELTZ ROOM 211 - 3:30 PM

Mar 19 WEDNESDAY
 SB 360 LOCAL HIRE TAX CREDIT
 SB 367, SB 463 RESIDENT HIRE

RESOURCES - BUTROVICH ROOM 205 - 1:30 PM

Mar 19 WEDNESDAY
 SB 223 SUSITNA STATE FOREST
 SB 327 CREDITS TIMBER & MATERIALS CONTRACTS
 SB 418 ALASKA MINERALS COMMISSION

Mar 21 FRIDAY
 HCR 8 NATURAL GAS PIPELINE
 HJR 53 US & USSR BOUNDARY DISPUTE
 HB 281 TRAPPING CABIN PERMITS
 HB 31 OBSTRUCTING HUNTING, FISHING, TRAPPING

Mar 26 WEDNESDAY
 OVERVIEW ALASKA POWER AUTHORITY
 BOB HEATH, DIRECTOR

STATE AFFAIRS - BUTROVICH ROOM 205 - 9:00 AM

Mar 18 TUESDAY
 HJR 54, HB 454 PAY OF PUBLIC OFFICIALS
 HB 237 SPOUSE BENEFICIARY OF PENSION BENEFITS
 HB 238 LEAVE FOR ADOPTION, PREGNANCY, BIRTH

Mar 19 WEDNESDAY
 SB 391 EXECUTIVE BRANCH ETHICS ACT

Mar 20 THURSDAY
 SB 391 EXECUTIVE BRANCH ETHICS ACT

TRANSPORTATION - BUTROVICH ROOM 205 - 3:30 PM

Mar 19 WEDNESDAY
 OVERVIEW BUSH AIRPORT PLANNING AND FUNDING

