

SENATE JOURNAL

STATE OF ALASKA

FOURTEENTH LEGISLATURE

Second Session

January 13, 1986 - May 12, 1986



VOLUME 2

LEGISLATIVE AFFAIRS AGENCY
Juneau, Alaska

SENATE JOURNAL

ALASKA STATE LEGISLATURE

FOURTEENTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

THURSDAY

April 3, 1986

Eighty-first Day

Pursuant to adjournment, the Senate was called to order by President Bennett at 11:08 a.m.

The roll showed seventeen members present. Senators Ferguson, Vic Fischer and Sackett were absent.

The prayer was offered by the Chaplain, Pastor Dan Pollard of the Bethany Baptist Church. Senator DeVries moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

"We thank You for each of our leaders in government and for their desire to do that which is right before You. We ask Your blessing upon each one in this Senate session as we seek Your wisdom in each decision that is made. We give You praise for this freedom and the abundance You have given us. We pray that You will continue to pour out Your blessings upon this land.

For, it is in Jesus' Name we ask,

Amen."

The Pledge of Allegiance was recited.

Senator Halford moved and asked unanimous consent that the journal for the eightieth legislative day and Senate Supplements No. 60 and No. 61 be approved as certified by the Secretary. Without objection, it was so ordered.

MESSAGES FROM THE HOUSE

Message of April 2 was read, stating the House passed and transmitted for consideration:

FIRST READING AND REFERENCE OF HOUSE BILLS

HB 559

HOUSE BILL NO. 559 by the Rules Committee by request of the Governor, entitled:

"An Act approving the sale of Kuparuk River Unit royalty oil by the State of Alaska to Petro Star, Inc. and Chevron U.S.A., Inc.; and providing for an effective date."

was read the first time and referred to the Resources Committee and the Finance Committee.

HB 630

CS FOR HOUSE BILL NO. 630 (JUD) am by the Judiciary Committee, entitled:

"An Act creating a class C misdemeanor and relating to suspended imposition of sentence."

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

The presence of Senator Sackett was noted.

COMMUNICATIONS

Posted 4/3/86:

ALASKA STATE COUNCIL ON THE ARTS
proposed changes in regulations
in accordance with AS 44.27.052

STANDING COMMITTEE REPORTS

SCR 18

The Resources Committee considered SENATE CONCURRENT RESOLUTION NO. 18 (Guide Licensing and Control Board) and recommended do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Vic Fischer, Zharoff, Eliason, Fahrenkamp, Halford and Coghill.

SCR 18 cont'd

Fiscal note is zero.

SENATE CONCURRENT RESOLUTION NO. 18 was referred to the Rules Committee.

SCR 37

The Rules Committee considered SENATE CONCURRENT RESOLUTION NO. 37 (Proposing amendments to the Uniform Rules relating to changes in the title of a resolution) and a majority of the committee recommended calendar April 3. The report was signed by Senator Kelly, Chairman and concurred in by Senators Bennett, Faiks and Coghill. Senator Kelly further signed "do pass".

SENATE CONCURRENT RESOLUTION NO. 37 is on the calendar.

SB 341

The Rules Committee considered SENATE BILL NO. 341 (state procurement practices and procedures; efd) and a majority of the committee recommended calendar April 3. The report was signed by Senator Kelly, Chairman and concurred in by Senators Bennett, Josephson and Faiks. Senator Coghill signed "do not calendar".

SENATE BILL NO. 341 is on the calendar.

SB 413

The Judiciary Committee considered SENATE BILL NO. 413 (illegally controlled enterprises and the forfeiture of property that is used in violation of state law; efd) and a majority of the committee recommended do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Faiks and Kelly. Senator Ziegler signed "no recommendation; do we really need this type legislation?"

SENATE BILL NO. 413 was referred to the Finance Committee.

The presence of Senator Ferguson was noted.

SB 460

The Resources Committee considered SENATE BILL NO. 460 (regulation of water quality in placer mining) and recommended do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Coghill, Halford, Fahrenkamp, Eliason, Zharoff and Vic Fischer.

Fiscal note is zero.

SENATE BILL NO. 460 was referred to the Rules Committee.

SB 468

The Resources Committee considered SENATE BILL NO. 468 (creating the Railbelt energy fund; efd) 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 Vic Fischer. Senators Halford, Eliason and Zharoff signed "no recommendation".

Fiscal note is zero.

SENATE BILL NO. 468 was referred to the Finance Committee.

HCR 18

The Resources Committee considered HOUSE CONCURRENT RESOLUTION NO. 18 (Bristol Bay salmon management policies of the Department of Fish and Game) and recommended it be replaced with

SENATE CS FOR HOUSE CONCURRENT RESOLUTION
NO. 18 (RES)

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

HOUSE CONCURRENT RESOLUTION NO. 18 was referred to the Rules Committee.

HJR 54

The State Affairs Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 54 (FIN) (Proposing amendments to the Constitution of the State of Alaska establishing a state officers compensation commission) and recommended it be replaced with

HJR 54 cont'dSENATE CS FOR CS FOR HOUSE JOINT RESOLUTION
NO. 54 (SA)

Senator Abood, Chairman and Senators Vic Fischer and Ray signed "no recommendation". Senators DeVries and Kelly signed "do pass".

CS FOR HOUSE JOINT RESOLUTION NO. 54 (FIN) was referred to the Judiciary Committee.

HJR 67

The Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 67 (SA) (Requesting the United States Congress to establish advanced all-weather satellite coverage of North Pacific waters) and recommended do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Coghill, Halford, Fahrenkamp, Eliason, Zharoff and Vic Fischer.

CS FOR HOUSE JOINT RESOLUTION NO. 67 (SA) was referred to the Rules Committee.

HB 493

The Judiciary Committee considered CS FOR HOUSE BILL NO. 493 (JUD) (making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; efd) and a majority of the committee recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 493 (JUD)

and do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Ziegler, Faiks and Kelly.

Fiscal note is zero.

CS FOR HOUSE BILL NO. 493 (JUD) was referred to the Rules Committee.

SJR 40

The Rules Committee considered SENATE JOINT RESOLUTION NO. 40 (Proposing an amendment to the Constitution of the State of Alaska relating to annulment of regulations by the legislature) and the committee recommended calendar April 3. The report was signed by Senator Kelly, Chairman and concurred in by Senators Bennett, Josephson, Faiks and Coghill.

SJR 40 cont'd

SENATE JOINT RESOLUTION NO. 40 is on the calendar.

SB 387

The Rules Committee considered SENATE BILL NO. 387 (taxation of watercraft motor fuel) and a majority of the committee recommended calendar April 3. The report was signed by Senator Kelly, Chairman and concurred in by Senators Faiks, Josephson and Coghill.

SENATE BILL NO. 387 is on the calendar.

SB 464

The Rules Committee considered SENATE BILL NO. 464 (duties of the Commission on Judicial Conduct) and a majority of the committee recommended calendar April 3. The report was signed by Senator Kelly, Chairman and concurred in by Senators Bennett, Faiks and Coghill.

SENATE BILL NO. 464 is on the calendar.

The presence of Senator Vic Fischer was noted.

CONSIDERATION OF THE CALENDAR

SECOND READING OF SENATE BILLS

SB 341

SENATE BILL NO. 341 (state procurement practices and procedures; efd) was read the second time.

Senator Rodey moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 2107. Without objection, CS FOR SENATE BILL NO. 341 (JUD) was adopted.

CS FOR SENATE BILL NO. 341 (JUD) was read the second time.

Senator Faiks moved for the adoption of Finance Committee Amendment No. 1 offered on page 2191. Senator Josephson objected.

SB 341 cont'd

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

CS SB 341 JUD AM 1

Yeas: 15 Abood, Bennett, Coghill, Eliason,
Ferguson, Fischer Paul,
Fischer Vic, Halford, Kelly,
Kerttula, Ray, Rodey,
Sturgulewski, Zharoff, Ziegler

Nays: 5 DeVries, Fahrenkamp, Faiks,
Josephson, Sackett

and so, Amendment No. 1 was adopted.

Senator Faiks moved and asked unanimous consent for the adoption of Finance Committee Amendment No. 2 offered on page 2192. Without objection, Amendment No. 2 was adopted.

Senator Rodey offered Amendment No. 3:

Page 10, line 18: Delete "Within 48 hours after
the opening of bids" insert
"no later than the time of
opening of bids"

Page 17, line 13: Delete "within 48 hours after"
insert "no later than"

Senator Rodey moved Amendment No. 3, then withdrew his motion.

Senator Rodey moved and asked unanimous consent that Amendment No. 3 be withdrawn. Without objection, Amendment No. 3 was withdrawn.

Senator Halford moved and asked unanimous consent that the Senate rescind its action in adopting Amendment No. 2. Without objection, the Senate rescinded its action in adopting Amendment No. 2.

Amendment No. 2 was before the Senate.

Senator Rodey offered an amendment No. 1 to Amendment No. 2:

On first line of Amendment No. 2: Delete "Within
48 hours after the opening of
bids" insert "No later than the
time of opening of bids"

(Technical amendment on page 10, line 19 change "bidder
proposes" to "bidders propose")

SB 341 cont'd

Senator Rodey moved the amendment to Amendment No. 2 be adopted.

The question being: "Shall amendment No. 1 to Amendment No. 2 be adopted?" The roll was taken with the following result:

CSSB 341 JUD AM AM1 TO AM2

Yeas: 15 Abood, Bennett, DeVries, Eliason,
Fahrenkamp, Faiks, Ferguson,
Fischer Vic, Halford, Josephson,
Kerttula, Ray, Rodey, Sackett,
Zharoff

Nays: 5 Coghill, Fischer Paul, Kelly,
Sturgulewski, Ziegler

and so, amendment No. 1 to Amendment No. 2 was adopted.

Senator Rodey offered an addition to Amendment No. 2:

Add to Amendment No. 2

Page 17, line 13: Delete "within 48 hours after"
insert "no later than"

Senator Rodey moved amendment No. 2 to Amendment No. 2:

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

CSSB 341 JUD AM AM2 TO AM2

Yeas: 16 Abood, Bennett, DeVries, Eliason,
Fahrenkamp, Faiks, Ferguson,
Fischer Vic, Halford, Josephson,
Kerttula, Ray, Rodey, Sackett,
Sturgulewski, Zharoff

Nays: 4 Coghill, Fischer Paul, Kelly,
Ziegler

and so, amendment No. 2 to Amendment No. 2 was adopted.

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

SB 341 cont'd

CSSB 341 JUD AM AM 2

Yeas: 16 Abood, Bennett, DeVries, Eliason,
Fahrenkamp, Faiks, Ferguson,
Fischer Vic, Halford, Josephson,
Kerttula, Ray, Rodey, Sackett,
Sturgulewski, Zharoff

Nays: 4 Coghill, Fischer Paul, Kelly,
Ziegler

and so, Amendment No. 2, as amended was adopted.

Senator Ferguson offered Amendment No. 3:

Page 55, Delete lines 14-20, insert:

(10) "grant" means property furnished
by the state, whether real or personal,
designated by law, including an appropriation
Act, as a grant;

Senator Ferguson moved Amendment No. 3 and asked unanimous consent. Without objection, Amendment No. 3 was adopted.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 341 (JUD) am be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 341 (JUD) am was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 341 (JUD) am (state procurement practices and procedures; efd) pass the Senate?" The roll was taken with the following result:

CSSB 341 JUD AM 3RD

Yeas: 20 Abood, Bennett, Coghill, DeVries,
Eliason, Fahrenkamp, Faiks,
Ferguson, Fischer Paul,
Fischer Vic, Halford, Josephson,
Kelly, Kerttula, Ray, Rodey,
Sackett, Sturgulewski, Zharoff,
Ziegler

Nays: 0

and so, CS FOR SENATE BILL NO. 341 (JUD) am passed the Senate.

SB 341 cont'd

Senator Halford moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clauses. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 341 (JUD) am was referred to the Secretary for engrossment.

SB 387

SENATE BILL NO. 387 (taxation of watercraft motor fuel) was read the second time.

Senator Faiks moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 2117. Without objection, CS FOR SENATE BILL NO. 387 (FIN) was adopted.

CS FOR SENATE BILL NO. 387 (FIN) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 387 (FIN) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 387 (FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 387 (FIN) (taxation of watercraft motor fuel) pass the Senate?" The roll was taken with the following result:

CS SB 387 FIN 3RD

| | | |
|---------|----|---|
| Yeas: | 13 | Abood, Bennett, Coghill, DeVries, Fahrenkamp, Faiks, Fischer Paul, Josephson, Ray, Rodey, Sturgulewski, Zharoff, Ziegler |
| Nays: | 6 | Eliason, Ferguson, Fischer Vic, Halford, Kelly, Kerttula |
| Absent: | 1 | Sackett |

and so, CS FOR SENATE BILL NO. 387 (FIN) passed the Senate.

Senator Eliason gave notice of reconsideration.

SB 464

SENATE BILL NO. 464 (duties of the Commission on Judicial Conduct) was read the second time.

Senator Halford moved and asked unanimous consent that SENATE BILL NO. 464 be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE BILL NO. 464 was read the third time.

The question being: "Shall SENATE BILL NO. 464 (duties of the Commission on Judicial Conduct) pass the Senate?" The roll was taken with the following result:

SB 464 3RD

| | | |
|-------|----|---|
| Yeas: | 19 | Abood, Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Ray, Rodey, Sturgulewski, Zharoff, Ziegler |
|-------|----|---|

| | | |
|-------|---|--|
| Nays: | 0 | |
|-------|---|--|

| | | |
|---------|---|---------|
| Absent: | 1 | Sackett |
|---------|---|---------|

and so, SENATE BILL NO. 464 passed the Senate and was referred to the Secretary for engrossment.

SECOND READING OF SENATE RESOLUTIONS

SJR 40

SENATE JOINT RESOLUTION NO. 40 (Proposing an amendment to the Constitution of the State of Alaska relating to annulment of regulations by the legislature) was read the second time.

A new zero fiscal note was received from Senate Finance.

Senator Halford moved and asked unanimous consent that SENATE JOINT RESOLUTION NO. 40 be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE JOINT RESOLUTION NO. 40 was read the third time.

SJR 40 cont'd

The question being: "Shall SENATE JOINT RESOLUTION NO. 40 (Proposing an amendment to the Constitution of the State of Alaska relating to annulment of regulations by the legislature) pass the Senate?" The roll was taken with the following result:

SJR 40 3RD

Yeas: 18 Abood, Bennett, Coghill, DeVries,
Eliason, Fahrenkamp, Faiks,
Ferguson, Fischer Paul,
Fischer Vic, Halford, Josephson,
Kelly, Kerttula, Ray, Rodey,
Sturgulewski, Zharoff

Nays: 0

Absent: 2 Sackett, Ziegler

and so, SENATE JOINT RESOLUTION NO. 40 passed the Senate and was referred to the Secretary for engrossment.

SCR 37

SENATE CONCURRENT RESOLUTION NO. 37 (Proposing amendments to the Uniform Rules relating to changes in the title of a resolution) was read the second time.

SENATE CONCURRENT RESOLUTION NO. 37 was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 37 (Proposing amendments to the Uniform Rules relating to changes in the title of a resolution) pass the Senate?" The roll was taken with the following result:

SCR 37

Yeas: 18 Abood, Bennett, Coghill, DeVries,
Eliason, Fahrenkamp, Faiks,
Ferguson, Fischer Paul,
Fischer Vic, Halford, Josephson,
Kelly, Kerttula, Ray, Rodey,
Sturgulewski, Zharoff

Nays: 0

Absent: 2 Sackett, Ziegler

and so, SENATE CONCURRENT RESOLUTION NO. 37 passed the Senate and was referred to the Secretary for engrossment.

Senator Halford moved and asked unanimous consent that the Senate recess to a call of the Chair. Without objection, the Senate recessed at 12:38 p.m.

AFTER RECESS

The Senate reconvened at 1:01 p.m.

Senator Halford moved and asked unanimous consent that the Senate revert to Reports of Standing Committees. Without objection, it was so ordered.

STANDING COMMITTEE REPORTS

HJR 67

The Rules Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 67 (SA) (Requesting the United States Congress to establish advanced all-weather satellite coverage of North Pacific waters) and a majority of the committee recommended it be placed on the Supplemental Calendar April 3. The report was signed by Senator Kelly, Chairman and concurred in by Senators Coghill, Faiks and Bennett.

CS FOR HOUSE JOINT RESOLUTION NO. 67 (SA) is on the Supplemental Calendar.

Senator Halford moved and asked unanimous consent for the adoption of the Supplemental Calendar. Without objection, the Supplemental Calendar was adopted.

SUPPLEMENTAL CALENDAR

SECOND READING OF HOUSE RESOLUTIONS

HJR 67

CS FOR HOUSE JOINT RESOLUTION NO. 67 (SA) (Requesting the United States Congress to establish advanced all-weather satellite coverage of North Pacific waters) was read the second time.

Senator Halford moved and asked unanimous consent that CS FOR HOUSE JOINT RESOLUTION NO. 67 (SA) be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HJR 67 cont'd

CS FOR HOUSE JOINT RESOLUTION NO. 67 (SA) was read the third time.

The question being: "Shall CS FOR HOUSE JOINT RESOLUTION NO. 67 (SA) (Requesting the United States Congress to establish advanced all-weather satellite coverage of North Pacific waters) pass the Senate?" The roll was taken with the following result:

CS HJR 67 SA 3RD

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

Nays: 0

Absent: 3 Fischer Vic, Sackett, Ziegler

and so, CS FOR HOUSE JOINT RESOLUTION NO. 67 (SA) passed the Senate, was signed by the President and Secretary and returned to the House.

UNFINISHED BUSINESS

HB 485

Senator Faiks, Co-Chairman, moved and asked unanimous consent that CS FOR HOUSE BILL NO. 485 (JUD) (powers and duties of guardians) have an additional referral to the Finance Committee. Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 485 (JUD) was referred to the Judiciary Committee and the Finance Committee.

ANNOUNCEMENTS

Announcements appear at the end of the journal.

SPECIAL ORDERS

Senator Kelly moved and asked unanimous consent that he be excused from a call of the Senate on April 7. Without objection, Senator Kelly was excused.

ENGROSSMENT

SCR 37

SENATE CONCURRENT RESOLUTION NO. 37 was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SJR 40

SENATE JOINT RESOLUTION NO. 40 was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 341

CS FOR SENATE BILL NO. 341 (JUD) am was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

SB 464

SENATE BILL NO. 464 was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

ADJOURNMENT

Senator Halford moved and asked unanimous consent that the Senate adjourn until 11:00 a.m., April 4, 1986. Without objection, the Senate adjourned at 1:07 p.m.

Peggy Mulligan
Secretary of the Senate

April

1986

ANNOUNCEMENTS

Committee meetings in the Capitol

Change in time or place

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

Apr 8 TUESDAY
 HB 694 METLAKATLA HOUSING AUTHORITY
 SB 448 HOME RULE MUNICIPALITIES

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

Apr 4 FRIDAY
 SJR 45 FISHERMEN'S INJURIES COMPENSATION
 SB 469 EXEMPT FISHERMEN FROM WORKERS COMP
 SB 365 BROKER AS INSURER'S AGENT FOR PREMIUMS

Apr 7 MONDAY
 HB 318 RIGHTS OF INJURED STATE EMPLOYEES
 SB 429 REGULATIONS AFFECTING SMALL BUSINESS
 HB 479 LOANS FOR BIOMASS FUEL SYSTEMS

RESOURCES - BUTROVICH ROOM 205 - 1:30 PM

Apr 4 FRIDAY
 SB 393 APPROVING KUPARUK ROYALTY OIL SALE
 SB 414 GENERAL GRANT LAND ENTITLEMENTS
 SB 271 ALASKA HIRE, OIL & GAS PROJECTS

STATE AFFAIRS - BUTROVICH ROOM 205 - 9:00 AM

Apr 9 WEDNESDAY
 SB 391 EXECUTIVE BRANCH ETHICS

Apr 10 THURSDAY
 HB 406 DEFERRED COMPENSATION
 SB 372 ELIGIBILITY FOR MILITIA SERVICE

TRANSPORTATION - BUTROVICH ROOM 205 - 3:30 PM

Apr 9 WEDNESDAY
 SB 411 ROAD MAINTENANCE SERVICE AREAS
 SB 429 WINTER TIRES ON RENTED VEHICLES
 SB 461 NAMING ROBERT J. MITCHELL EXPRESSWAY
 SB 471 DRIVERS LICENSES

CONFERENCE COMMITTEE -

Apr 4 FRIDAY *8:30 AM ROOM 112
 SB 187 ADOPTION

MAJORITY CAUCUS -

Apr 3 THURSDAY *UPON ADJOURNMENT BUTROVICH ROOM