

HOHMAN
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SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

January 11, 1982

First Day

Pursuant to adjournment of the First Regular Session of the Twelfth State Legislature on June 24, 1981, and in accordance with provisions of law and the Uniform Rules, the Senate convened for the Second Regular Session of the Twelfth State Legislature and was called to order by President Kerttula at 10:11 a.m.

The roll call showed nineteen members present. Senator Sackett was absent.

The prayer was offered by the Chaplain, Lay Rabbi Danny Plotnick of the Juneau Jewish Community. President Kerttula stated that without objection the prayer would be spread and appears as follows:

"Let us pray!

Almighty God, grant that this second-session of the 12th Alaska State Legislature beginning today may be a messenger of good tidings to us all. Bless us and bestow upon us our families and friends, a life of health and peace, of sustenance and contentment. Help us to spend this session in the love of Thee, and in service of man, and so to order our way that it may be pleasing in Thy sight. And let us all say: Amen."

Senator Rodey moved and asked unanimous consent that the Final Supplement of First Session of the Twelfth State Legislature be approved as certified. Without objection, it was so ordered.

UNFINISHED BUSINESS

Senator Hohman moved that in the court case State vs Hohman, the transcripts, all exhibits, jury selection and testimony be included in a Senate Supplemental Journal.

Senator Kelly objected, then withdrew his objection. The President stated there being no further objection, the State vs Hohman will appear in a Senate Supplemental Journal as soon as possible.

ANNOUNCEMENTS

Resources	Capitol Bldg Beltz Rm.	Upon Adj., 1/11
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State Affairs SB 604	Capitol Bldg Room 423	1:30p.m., 1/11
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Senator Fischer, Chairman, State Affairs Committee, moved and asked unanimous consent that the Rules be suspended and publication notice of the above meeting be waived.

Senator Ray objected and then withdrew his objection. There being no further objection, it was so ordered.

Transportation	Capitol Bldg Butrovich Rm.	1:30p.m., 1/12
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Judiciary HB 156, SB 399	Capitol Bldg Butrovich Rm.	1:30p.m., 1/13
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HESS	Behrends Bldg Room 209	3:00p.m., 1/13
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Budget & Audit	Capitol Bldg House Finance Rm.	4:00p.m., 1/14
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Judiciary SB 485, SB 547	Capitol Bldg. Butrovich Rm.	1: .m., 1/15
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Resources HB 318	Capitol Bldg. Room 211	1:30p.m., 1/15
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HESS	Behrends Bldg; Room 209	3:00p.m., 1/15
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SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

TUESDAY

January 12, 1982

Second Day

Pursuant to adjournment, the Senate was called to order by President Kerttula at 10:12 a.m.

The roll call showed nineteen members present. Senator Sackett was absent.

The prayer was offered by the Chaplain, Lay Rabbi Danny Plotnick of the Juneau Jewish Community.

Senator Rodey moved and asked unanimous consent that the journal for the first legislative day be approved as certified. Without objection, it was so ordered.

MESSAGES FROM THE HOUSE

Message of January 12, 1982 was received inviting the Senate to meet in joint session with the House to hear the Governor's State of the State message at 2:00 p.m. today and the Budget message at 2:00 p.m., January 14.

Senator Rodey moved and asked unanimous consent that the Senate accept the invitation. Without objection, it was so ordered.

The Secretary was requested to notify the House.

COMMUNICATIONS

The Secretary announced receipt of a copy of the 1981 unabridged and condensed Annual Report of the Legislative Budget and Audit Committee from Gerald L. Wilkerson, CPA, Legislative Auditor. The report is on file in the Secretary's office.

E.O. 52

EXECUTIVE ORDER NO. 52 (see letter page 14 of the Senate journal) was referred to the Labor and Commerce Committee and the Judiciary Committee. Copies are available in the Documents Room.

Fiscal note is zero.

UNFINISHED BUSINESSSB 632

Senator Ziegler moved and asked unanimous consent that he be shown as a co-sponsor on SENATE BILL NO. 632 (relating to games of chance and contests of skill). Without objection, it was so ordered.

SB 604

Senator Fischer moved and asked unanimous consent that the following Senators be shown as co-sponsors on SENATE BILL NO. 604 (designating January 15 of each year as 'Martin Luther King Day'):

Senator Stimson
Senator Kelly
Senator Dankworth
Senator Colletta
Senator Sturgulewski
Senator Rodey
Senator Bradley
Senator Hohman
Senator Parr
Senator Eliason

Without objection, it was so ordered.

SB 632

The following Senator should be added as a co-sponsor on SENATE BILL NO. 632 (relating to games of chance and contests of skill):

Senator Fahrenkamp

SB 634

The following Senators should be added as co-sponsors on SENATE BILL NO. 634 (relating to community work as a sentence for a violation or misdemeanor or as a condition of probation):

Senator Colletta
Senator Sturgulewski

SB 613

The following Senator should be added as a co-sponsor on SENATE BILL NO. 613 (limiting the amount of property taxes a municipality that receives an entitlement under ch. 60, SLA 1981 may levy in 1982):

Senator Colletta

President Kerttula stated that the matter concerning Senator Hohman (see Senate journal page 15) would be referred to the Rules Committee.

RECESS

Senator Rodey moved and asked unanimous consent that the Senate stand in recess until 2:00 p.m. and meet in the House Chamber for the purpose of a Joint Session to hear the State of the State message. Without objection, the Senate recessed at 10:37 a.m.

AFTER RECESS

JOINT SESSION IN THE HOUSE

Speaker Hayes called the House to order and in accordance with the Uniform Rules turned the gavel over to President Kerttula who called the Joint Session to order at 2:00 p.m.

The purpose of the Joint Session was to hear the Honorable Jay S. Hammond, Governor of the State of Alaska, deliver the State of the State message.

TO SENATE RULES
By SENATE PRESIDENT

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

MONDAY

February 1, 1982

Twenty-second Day

Pursuant to adjournment, the Senate was called to order by President Kerttula at 10:43 a.m.

The roll call showed all members present.

The prayer was offered by the Chaplain, Reverend John Reiner of the Luke Bay Bible Church.

Senator Rodey moved and asked unanimous consent that the journals for the nineteenth, twentieth and twenty-first legislative days be approved as certified. Without objection, it was so ordered.

MESSAGES FROM THE HOUSE

Message of February 1 was read, stating the House has passed the following:

FIRST READING AND REFERENCE OF HOUSE BILLS

HB 643

CS FOR HOUSE BILL NO. 643 (FIR) am by the Finance Committee, entitled:

An Act repealing and amending certain appropriations made in 1981 reappropriating a 1980 appropriation for the Kasaan dock; making an appropriation to the legislative finance division for a Bristol Bay development study, and providing for an effective date."

SB 666

The Resources Committee considered SENATE BILL NO. 666 (relating to the mining loan fund) and a majority of the committee recommends it do pass with the following amendment:

Page 1, Line 12: Delete "and interest"

The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Mulcahy and Eliason. Senators Sturgulewski and Gilman signed "no recommendation".

SENATE BILL NO. 666 was referred to the Finance Committee.

SJR 54

The Rules Committee considered SENATE JOINT RESOLUTION NO. 54 (proposing amendments to the Constitution of the State of Alaska relating to the confirmation of appointments by the Governor) and recommends it be placed on the February 1 calendar and adopt the Judiciary Committee amendments offered on page 122. The report was signed by Senator Kelly, Chairman and concurred in by Senators Ferguson and Ziegler. Senators Dankworth and Kerttula signed "calendar and no recommendation".

SENATE JOINT RESOLUTION NO. 54 appears on today's calendar.

COMMITTEE REPORT

SENATE RULES COMMITTEE

Date: February 1, 1982

Mr. President:

The Committee on Rules has had the question of possible disciplinary action against Senator George H. Hohman, Jr. under consideration and the committee proposes a special resolution for the expulsion of Senator George H. Hohman, Jr., and recommends its adoption.

Attached hereto is the report of special counsel dated January 30, 1982, which the committee has considered and adopted.

Before voting to recommend or impose any sanction, the committee and the Senate must ascertain that there is a "rational evidentiary basis" for the action taken. Bond v. Floyd, 385 U.S. 116 (1966); Powell v. McCormack, 395 U.S. 486 (1969).

But there are rights other than Senator Hohman's that must be safeguarded, rights which are not at issue and therefore will not be protected in the court proceedings on the bribery charges against Senator Hohman. Those rights are at issue only before the Senate and this committee, and the committee and the Senate are bound to protect those rights. They are the rights of the public to be protected from lawmakers who would act upon purely selfish motives and contrary to the public interest, and the right of the public to have high public offices filled by persons who will not violate the public trust, and the right of the Senate to preserve its integrity.

Based upon the evidence presented at trial, and alternatively, based upon the jury's verdicts finding Senator Hohman guilty of bribery, it is the recommendation of the committee's counsel that the committee find that Senator Hohman has committed acts which constitute a breach of his oath of office, render him unfit to represent the public interest or to serve in the Senate, and violate the public trust and duties of a Senator.

It is the further recommendation of committee counsel that this committee propose a resolution for the expulsion of Senator Hohman. The jury's verdicts, and independently of those verdicts the evidence before this committee, clearly establish that Senator Hohman has intentionally violated the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body.

January 10, 1982

/s/ William T. Council
Special Counsel

CITATIONS

Senator Rodey moved and asked unanimous consent that the Citation Honoring - Mae Tischer by Senators Colletta, Fischer and Kerttula be approved. Without objection, the Citation was approved and referred to the Secretary.

Senator Rodey moved and asked unanimous consent that the Citation Honoring - Captain Edward Nelson, Jr. by Representatives Miller, Duncan and Zharoff and Senator Ray be approved. Without objection, the Citation was approved and referred to the Secretary.

UNFINISHED BUSINESS

SJR 61

President Kerttula stated that SPONSOR SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 61 (proposing amendments to the Constitution of the State of Alaska relating to appropriations and creating an investment fund) would have a referral change. SPONSOR SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 61 was referred to the Finance Committee and the Judiciary Committee.

Senator Kelly moved and asked unanimous consent that the transcript and documents of record from the Rules Committee hearings on the Hohman (page 161) matter be spread in the Supplemental Journal. Without objection, it was so ordered and the transcript and documents of record appear in Senate Supplement No. 3 to today's journal.

ANNOUNCEMENTS

C&RA	Behrends Building	Conference Room
	3:00 p.m., 2/2	SB 180
	3:00 p.m., 2/4	SB 612
FINANCE	Capitol Building	Senate Finance Room
	9:00 a.m., 2/2	SB 64
	9:00 a.m., 2/3	SB 423
	9:00 a.m., 2/4	SB 659

SSR NO.1 RULE 23

Yeas: 13 Bradley, Colletta, Dankworth,
Eliason, Fischer, Gilman, Kelly,
Kerttula, Parr, Ray, Rodey, Stimson,
Sturgulewski

Nays: 6 Bennett, Fahrenkamp, Ferguson,
Hohman, Mulcahy, Sackett

Absent: 1 Ziegler

and so, the notice requirement for the Rules Committee Meeting was waived.

STATE AFFAIRS	Capitol Building	Room 423
	1:30 p.m., 2/2	SSSB 630, SR 20 SB 632
	1:30 p.m., 2/4	SB 175
TRANSPORTATION	Capitol Building	Butrovich Room 205
	1:30 p.m., 2/9	SB 135, SB 465, SB 466, SB 485
BUDGET & AUDIT	Capitol Building	House Finance Room
	1:00 p.m., 2/3	Budget of Finance & Audit Divisions & proposed legisla- tion
BANKING COMMITTEE	Capitol Building	House Finance Room
	3:30 p.m., 2/4	Jt/House - overview w/AHFC

ADJOURNMENT

Senator Rodey moved and asked unanimous consent that the Senate adjourn until 10:00 a.m., February 2, 1982. Without objection, the Senate adjourned at 11:55 a.m.

Peggy Mulligan
Secretary of the Senate

February 1982

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

WEDNESDAY

February 3, 1982

Twenty-fourth Day

Pursuant to adjournment, the Senate was called to order by President Kerrtula at 10:10 a.m.

The roll call showed all members present.

The prayer was offered by the Chaplain, Reverend John Reimer of the Auke Bay Bible Church.

Senator Rodey moved and asked unanimous consent that the journal for the twenty-third legislative day be approved as certified. Without objection, it was so ordered.

COMMUNICATIONS

Representative Hayes has forwarded a copy of the January 6 proposed invitation from Tony Penikett, Vice-President, Yukon Branch of the Commonwealth Parliamentary Association in Canada. Tentative dates for the delegation to visit Juneau are March 8 to March 13.

STANDING COMMITTEE REPORTS

SSR 1

The Rules Committee considered SENATE SPECIAL RESOLUTION NO. 1 (expelling George H. Hohman) and recommends it be placed on the February 3 calendar and reports it back as follows: Senator Kelly, Chairman, signed "do pass and calendar". Senators Dankworth and Kerstula signed "calendar". Senator Ferguson signed "must have due process of law", Senator Ziegler signed "don't pass unless and until Senator Hohman's appellate remedies within the State Court System have been completely exhausted and the jury verdicts have not been disturbed on appeal".

SENATE SPECIAL RESOLUTION NO. 1 appears on today's calendar.

INTRODUCTION AND REFERENCE OF SENATE BILLS

SB 710

SENATE BILL NO. 710 by the Health, Education and Social Services Committee, entitled:

"An Act relating to state trust funds and their administration; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services Committee, the Resources Committee and the Finance Committee.

SB 711

SENATE BILL NO. 711 by the Health, Education and Social Services Committee, entitled:

"An Act making a special appropriation to the Department of Revenue for deposit to the mental health fund; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services Committee, the Resources Committee and the Finance Committee.

Senator Fahrenkamp moved and asked unanimous consent to advance to Unfinished Business to take action on CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN) (efd fld H) (relating to a small grain marketing system). Without objection, the Senate advanced to:

UNFINISHED BUSINESS

SB 162

Senator Fahrenkamp moved that the Senate rescind its previous action in failing to concur with the House amendment to CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN), (page 174).

The question being: "Shall the Senate rescind its previous action in failing to concur with the House amendment to CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN)?" The roll was taken with the following result:

CSSSB 162 EFD FLD H RESCIND

Yeas:	19	Bennett, Bradley, Colletta, Dankworth, Eliason, Fahrenkamp, Ferguson, Gilman, Hohman, Kelly, Kerttula, Mulcahy, Parr, Ray, Rodey, Sackett, Stimson, Sturgulewski, Ziegler
Nays:	1	Fischer

and so, the Senate rescinded its previous action.

Senator Fahrenkamp moved that the Senate concur in the House amendment to CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN).

The question now being: "Shall the Senate concur in the House amendment to CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN)?" The roll was taken with the following result:

SB 162 cont'd

CSSSSB 162 EFD FLD H CONCUR

Yeas: 20 Bennett, Bradley, Colletta,
Dankworth, Eliason, Fahrenkamp,
Ferguson, Fischer, Gilman, Hohman,
Kelly, Kerttula, Mulcahy, Parr, Ray,
Rodey, Sackett, Stimson,
Sturgulewski, Ziegler

Nays: 0

and so, the Senate concurred in the House amendment, thus adopting CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 162 (FIN) (efd fld H) (making a special appropriation to the Department of Commerce and Economic Development for the Alaska Agricultural Action Council for a small grain marketing system).

The Secretary was instructed to notify the House and re-transmit the Bill to the Office of the Governor.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF SENATE RESOLUTIONS

SSR 1

SENATE SPECIAL RESOLUTION NO. 1 (expelling George H. Hohman, Jr., from the Senate of the State of Alaska) was read the second time.

Senator Ziegler offered the following amendment No. 1:

Page 1, line 23: delete period and insert
"; and be it"

Page 1, line 24: Add the following new
material:

"FURTHER RESOLVED that the expulsion
provided in this resolution takes effect
only when all appellate remedies provided
in the courts of the State of Alaska have

SSR 1 cont'd

been exhausted and either conviction has been sustained by a final determination of the Alaska Supreme Court or both convictions have not been reversed and all rights for further review have terminated."

Senator Ziegler moved for the adoption of amendment No. 1.

Senators Dankworth and Kelly objected.

Senator Hohman moved to abstain from the vote on Amendment No. 1. Senator Rodey asked unanimous consent. Without objection, it was so ordered.

Senator Rodey moved and asked unanimous consent the record show that by Senator Hohman's motion to be allowed to abstain from voting, he is not waiving any of his rights in this or subsequent proceedings. Without objection, it was so ordered.

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

SSR 1 AM NO. 1

Yeas:	7	Bennett, Fahrenkamp, Ferguson, Mulcahy, Ray, Sackett, Ziegler
Nays:	12	Bradley, Colletta, Dankworth, Eliason, Fischer, Gilman, Kelly, Kerttula, Parr, Rodey, Stimson, Sturgulewski
Abstain:	1	Hohman

and so, amendment No. 1 failed.

SENATE SPECIAL RESOLUTION NO. 1 will automatically appear on the February 4 calendar.

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

THURSDAY

February 4, 1982

Twenty-fifth Day

Pursuant to adjournment, the Senate was called to order by President Kerttula at 10:10 a.m.

The roll call showed all members present.

The prayer was offered by the Chaplain, Reverend John Reimer of the Auke Bay Bible Church. Senator Kelly moved and asked unanimous consent that the prayer be spread on the journal. Without objection, it was so ordered and the prayer appears as follows:

"Our God and Heavenly Father, through Jesus Christ our Lord we come into Your presence with thanksgiving. We Thank You for the daily benefits and blessing; for the opportunities and challenges that are ours because of freedom; and for the privilege of living in this country. Help us to do our part to preserve that freedom.

We Thank You for the promise that if the people of our nation will humble themselves and pray, and seek Your face, then You will hear from Heaven and will heal our land. We Thank You that on this day there are many in our nations' capitol, and around the world, who are gathering for prayer that this promise may be realized. We pray for our nation, for President Reagan, and our national leaders; we pray for Governor Hammond and our state leaders; that all may acknowledge Your sovereign right in each life, and in the affairs of our state and our nation.

Grant us now an implicit trust in Your ability, confidence in Your purposes for us, and patience with our fellowman.

Amen"

CONSIDERATION OF THE DAILY CALENDAR

THIRD READING OF SENATE RESOLUTIONS

SSR 1

SENATE SPECIAL RESOLUTION NO. 1 (expelling George H. Hohman, Jr., from the Senate of the State of Alaska) was read the third time.

Senator Kay moved that SENATE SPECIAL RESOLUTION NO. 1 be placed on the Secretary's desk to a time certain, namely until March 8. Senator Kelly objected.

The question being: "Shall SENATE SPECIAL RESOLUTION NO. 1 be held on the Secretary of the Senate's desk until a time certain, namely March 8?" The roll was taken with the following result:

SSR 1 MOTION

Yeas:	8	Bennett, Fahrenkamp, Ferguson, Hohman, Mulcahy, Ray, Sackett, Ziegler
Nays:	12	Bradley, Colletta, Dankworth, Eliason, Fischer, Gilman, Kelly, Kerttula, Parr, Rodey, Stimson, Sturgulewski

Senator Ferguson changed his vote from nay to yea.

Senator Sackett changed his vote from nay to yea.

and so, the motion failed.

The President stated the question was called.

The question being: "Shall SENATE SPECIAL RESOLUTION NO. 1 (expelling George H. Hohman, Jr., from the Senate of the State of Alaska) pass the Senate?" The roll was taken with the following result:

SSR 1 cont'd

SSR 1 3RD

Yeas: 12 Bradley, Colletta, Dankworth,
Eliason, Fischer, Gilman, Kelly,
Kerttula, Parr, Rodey, Stimson,
Sturgulewski

Nays: 8 Bennett, Fahrenkamp, Ferguson,
Hohman, Mulcahy, Ray, Sackett,
Ziegler

and so, asking the necessary two-thirds vote, SENATE SPECIAL RESOLUTION NO. 1 failed to pass the Senate.

Senator Kelly gave notice of reconsideration on SENATE SPECIAL RESOLUTION NO. 1.

ANNOUNCEMENTS

C&RA	Behrends Building 3:00 p.m., 2/4	Conference Room SB 612
FINANCE	Capitol Building 8:30 a.m., 2/9	Senate Finance Room SB 488, SB 489 SB 659
FINANCE Subcommittee on Transportation	Capitol Building 3:00 p.m., 2/5	Governor's Conf. Rm
HESS	Behrends Building 3:00 p.m., 2/5 3:00 p.m., 2/8 3:00 p.m., 2/10 3:00 p.m., 2/12	Room 209 SB 650 Rv State Food Stamp program Health Services Agencies SB 668
JUDICIARY	Capitol Building 1:30 p.m., 2/5	Butrovich Room 205 SB 193
LABOR & COMMERCE	Capitol Building, 3:00 p.m., 2/8 3:00 p.m., 2/10	Butrovich Room 205 SB 611, SB 614 SB 513, SB 590 SB 648, SB 663 SB 700, SB 701
BUDGET & AUDIT Subcommittee on Permanent Fund	Capitol Building 4:30 p.m., 2/8	House Finance Comm.

RESOURCES	Capitol Building 1:30 p.m., 2/5	Beltz Room 211 SB 275, SB 525
	Capitol Building 1:30 p.m., 2/8	<u>Butrovich Room 205</u> Oil/leasing w/Katz
	Capitol Building 1:30 p.m., 2/10	Beltz Room 211 SJR 60, SB 702
STATE AFFAIRS	Capitol Building 1:30 p.m., 2/4	Room 423 SB 175
TRANSPORTATION	Capitol Building 2:00 p.m., 2/4	Butrovich Room 205 Railroad Legislation
	1:30 p.m., 2/9	SB 135, SB 465, SB 466, SB 483
	1:30 p.m., 2/11	Discuss transporta- tion matters with the S.E. Conference
BANKING COMMITTEE	Capitol Building 3:30 p.m., 2/4	House Finance Room Jt/House - overview w/AHFC
Coal Conference w/Resources Committee	Anchorage 9:00 a.m., 2/18-19	Westward Hotel

SPECIAL ORDERS

Senator Hohman moved and asked unanimous consent that he be excused from a Call of the Senate, not subject to a Call, until such time as the appeal process has been exhausted. "I relinquish committee assignments until that time, and reserve the right to represent for my constituents their concerns in committee activities, presenting testimony and so forth. -- with the understanding that I, with my legal counsel, will request the expeditious handling by the Court of Appeals for the appeal that we are going to submit." Senators Dankworth and Kelly objected.

Senator Hohman moved and asked unanimous consent to withdraw his motion. Without objection, the motion was withdrawn.

ADJOURNMENT

Senator Rodey moved and asked unanimous consent that the Senate adjourn until 10:00 a.m., February 5, 1982. Without objection, the Senate adjourned at 12:20 p.m.

Peggy Mulligan
Secretary of the Senate

February

1982

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

FRIDAY

February 5, 1982

Twenty-sixth Day

Pursuant to adjournment, the Senate was called to order by President Kerttula at 10:14 a.m.

The roll call showed all members present.

The prayer was offered by the Chaplain, Reverend John Reimer of the Auke Bay Bible Church. Senator Fahrenkamp moved and asked unanimous consent that the prayer be spread on the journal. Without objection, it was so ordered and the prayer appears as follows:

"Our God and Heavenly Father, through Jesus Christ our Lord, we come into your presence grateful for a country that permits us this religious freedom.

You have told us to pray for those in authority. Help us to be faithful in doing so.

As we take up our tasks this day help us to remember that the choices we make and the decisions we come to, have far reaching effects for us and others. Remind us that our privileges and responsibilities are not for selfish gratification, but for more effective service.

We pray for insight to avoid the dangers that often be hidden from view. We pray for discernment to spend our God-given energies in the right direction. We pray for wisdom to make the right choices. We pray for patience and kindness as we work together with others. We pray for courage to pursue that which is right.

Amen"

SB 600

Senator Stugulewski moved and asked unanimous consent that she be added as a co-sponsor to SENATE BILL NO. 600 (providing for the issuance of general obligation bonds in the amount of \$182,000,000 for loans for housing for veterans). Without objection, it was so ordered.

UNFINISHED BUSINESS

SSR 1

Senator Kelly requested that the reconsideration of SENATE SPECIAL RESOLUTION NO. 1 be taken up at this time.

SENATE RESOLUTIONS IN THIRD READING

SENATE SPECIAL RESOLUTION NO. 1 (expelling George K. Hohman, Jr., from the Senate of the State of Alaska) was before the Senate at this time on reconsideration.

Senator Kelly moved and asked unanimous consent that SENATE SPECIAL RESOLUTION NO. 1 be returned to second reading for the purpose of a specific amendment. Without objection, it was so ordered.

Senators Kelly, Kerttula and Dankworth offered the following amendment No. 2:

Page 1, line 23: delete the period and insert: "; and be it"

Page 1, line 24: insert the following:
"FURTHER RESOLVED that the expulsion takes effect when and if judgment of conviction by the trial court is entered in Case no. LJU-81-464-CK; and be it

FURTHER RESOLVED that Senator George H. Hohman, Jr. is denied all rights, prerogatives, and privileges of office as a Senator of the State of Alaska from the adoption of this resolution until judgment of conviction is entered."

SB 600

Senator Stugulewski moved and asked unanimous consent that she be added as a co-sponsor to SENATE BILL NO. 600 (providing for the issuance of general obligation bonds in the amount of \$182,000,000 for loans for housing for veterans). Without objection, it was so ordered.

UNFINISHED BUSINESS

SSR 1

Senator Kelly requested that the reconsideration of SENATE SPECIAL RESOLUTION NO. 1 be taken up at this time.

SENATE RESOLUTIONS IN THIRD READING

SENATE SPECIAL RESOLUTION NO. 1 (expelling George H. Hohman, Jr., from the Senate of the State of Alaska) was before the Senate at this time on reconsideration.

Senator Kelly moved and asked unanimous consent that SENATE SPECIAL RESOLUTION NO. 1 be returned to second reading for the purpose of a specific amendment. Without objection, it was so ordered.

Senators Kelly, Korttula and Dankworth offered the following amendment No. 2:

Page 1, line 23: delete the period and insert: "; and be it"

Page 1, line 24: insert the following:
"FURTHER RESOLVED that the expulsion takes effect when and if judgment of conviction by the trial court is entered in Case no. 150-31-464-CK; and be it

FURTHER RESOLVED that Senator George H. Hohman, Jr., is denied all rights, prerogatives, and privileges of office as a Senator of the State of Alaska from the adoption of this resolution until judgment of conviction is entered."

SSR 1 cont'd

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

SSR 1 AM 2 AS AM

Yeas: 17 Bennett, Bradley, Colletta,
Dankworth, Eliason, Fahrenkamp,
Fischer, Gilman, Kelly, Kerttula,
Mulcahy, Parr, Ray, Rodey, Stimson,
Sturgulewski, Ziegler

Nays: 3 Ferguson, Hohman, Sackett

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

Senator Rodey moved and asked unanimous consent that SENATE SPECIAL RESOLUTION NO. 1 amended be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE SPECIAL RESOLUTION NO. 1 amended was read the third time.

The question to be reconsidered is: "Shall SENATE SPECIAL RESOLUTION NO. 1 amended (expelling George H. Hohman, Jr., from the Senate of the State of Alaska) pass the Senate?" The roll was taken with the following result:

SSR 1 AM 3RD

Yeas: 16 Bennett, Bradley, Colletta,
Dankworth, Eliason, Fahrenkamp,
Fischer, Gilman, Kelly, Kerttula,
Mulcahy, Parr, Ray, Rodey, Stimson,
Sturgulewski

Nays: 4 Ferguson, Hohman, Sackett, Ziegler

and so, SENATE SPECIAL RESOLUTION NO. 1 amended passed the Senate on reconsideration and was referred to the Secretary for engrossment and enrollment.

SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

MONDAY

February 8, 1982

Twenty-ninth Day

Pursuant to adjournment, the Senate was called to order by President Kerttula at 10:13 a.m.

The roll call showed eighteen members present. Senator Rodey was excused from a call of the Senate.

The prayer was offered by the Chaplain, the Reverend Jon Paden of the Church of Christ.

Senator Kelly moved and asked unanimous consent that the journals for the twenty-sixth, twenty-seventh and twenty-eighth legislative days and Senate Supplement No. 5 be approved as corrected. Without objection, it was so ordered.

MESSAGES FROM THE HOUSE

Message of February 8 was read, inviting the Senate to a joint session at 11:00 a.m., March 9 to meet with the members of the Yukon Legislative Assembly.

Senator Kelly moved and asked unanimous consent that the Senate accept the House invitation. Without objection, it was so ordered.

The Secretary was requested to notify the House.

SB 299 cont'd

The question being: "Shall CS FOR SENATE BILL NO. 299 (JUD) (relating to elections) pass the Senate?" The roll was taken with the following result:

CS SB 299 JUD 3RD

Yeas: 18 Bennett, Bradley, Colletta,
Dankworth, Eliason, Fahrenkamp,
Ferguson, Fischer, Gilman, Kelly,
Kerttula, Mulcahy, Parr, Ray,
Sackett, Stimson, Sturgulewski,
Ziegler

Nays: 0

Excused: 1 Rodey

and so, CS FOR SENATE BILL NO. 299 (JUD) passed the Senate.

CS FOR SENATE BILL NO. 299 (JUD) was referred to the Secretary for engrossment.

CITATIONS

Senator Kelly moved and asked unanimous consent that, the publication and notice requirement be waived on the Citation In Memoriam - Betty Eliason and be taken up as a Special Order of Business at this time. Without objection, it was so ordered.

SPECIAL ORDER OF BUSINESS

Senator Kelly moved and asked unanimous consent that the Citation In Memoriam - Betty Eliason by All Members of the House and All Members of the Senate be approved. Without objection, the Citation was approved and referred to the Secretary.

UNFINISHED BUSINESS

SJR 64

Senator Gilman, Chairman of the Community and Regional Affairs Committee, moved and asked unanimous consent to waive referral of SENATE JOINT RESOLUTION NO. 64 (relating to the liability of municipalities and municipal officers under the 1871 Civil Rights Act). Without objection, it was so ordered.

SENATE JOINT RESOLUTION NO. 64 was referred to the Judiciary Committee.

ENGROSSMENT

The following has been engrossed, signed by the President and Secretary and transmitted to the House:

CSSB 299 (JUD)

ENROLLMENT

The following has been engrossed and enrolled, signed by the President and Secretary and the engrossed and enrolled copies transmitted to the Office of the Governor at 1:10 p.m., February 8, 1982:

SSR 1 am

The following has been enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 1:10 p.m., February 8, 1982:

SJR 33

ANNOUNCEMENTS

C&RA

Behrendt Building	Conference Room
3:00 p.m., 2/9	SB 672
3:00 p.m., 2/11	SB 709

SENATE JOURNAL.

ALASKA STATE LEGISLATURE

TWELFTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

THURSDAY

February 11, 1982

Thirty-second Day

Pursuant to adjournment, the Senate was called to order by President Kerttula at 10:12 a.m.

The roll call showed nineteen members present.

The prayer was offered by the Chaplain, Reverend Jon Paden of the Church of Christ. Senator Fahrnkamp moved and asked unanimous consent that the prayer be spread on the journal. Without objection, it was so ordered and appears as follows:

"Our Loving Father

We appreciate being alive in this time, in this great land. We thank You for these men and women of the Senate, who give of themselves in order to strengthen our state and our country.

We appreciate past achievements: but we do not use the past to avoid the present. We look ahead expectantly to a better future: but we do not use tomorrow as an escape from the responsibilities of this day.

Thank You for life and for purpose right now.

Please grant this body safety, and productivity, and rest during the holiday ahead.

I come to you in the name of Jesus Christ

Amen"

Senator Rodey moved and asked unanimous consent that the journal for the thirty-first legislative day and Senate Supplement No. 8 be approved as certified. Without objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

CSR 1

Message of February 9 was read, stating the Governor has read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SPECIAL SENATE RESOLUTION NO. 1 am
(expelling George H. Hohman, Jr.,
from the Senate of the State of
Alaska)

Senate Resolve No. 1

SJR 33

Message of February 9 was read, stating the Governor has signed the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE JOINT RESOLUTION NO. 33 (re-
lating to women's history month)

Legislative Resolve No. 2

MESSAGES FROM THE HOUSE

SB 203

Message of February 11 was read, stating the House has passed CS FOR SENATE BILL NO. 203 (FIN) am (making amending, and adjusting appropriations to the Department of Education) with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL
NO. 203 (3d FIN) am H. (amending
certain appropriations; eff date)

ALASKA STATE SENATE

SENATOR TIM KELLY, CHAIRMAN
SENATOR ED DANKWORTH, VICE-CHAIRMAN
SENATOR JALMAR KERTTULA
SENATOR ROBERT ZIEGLER
SENATOR FRANK FERGUSON



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RULES COMMITTEE

FOR IMMEDIATE RELEASE

January 15, 1982

SENATE RULES CHAIRMAN TIM KELLY (R) ANCHORAGE, TODAY ANNOUNCED THE RETENTION BY THE RULES COMMITTEE OF JUNEAU ATTORNEY WILLIAM T. COUNCIL TO ADVISE THE COMMITTEE DURING ITS DELIBERATIONS ON THE QUESTION OF WHAT STEPS CAN LEGALLY BE TAKEN BY THE SENATE AGAINST SENATOR GEORGE HOHMAN.

COUNCIL IS PRESENTLY ENGAGED IN PRIVATE PRACTICE IN JUNEAU. THE 37-YEAR OLD COUNCIL WAS FORMALLY AN ASSISTANT DISTRICT ATTORNEY FOR THE STATE OF ALASKA IN FAIRBANKS AND A PUBLIC DEFENDER IN KETCHIKAN. IN 1975 HE BECAME HEAD OF THE CIVIL LITIGATION SECTION OF THE ATTORNEY GENERAL'S OFFICE AND HELD THAT POSITION UNTIL EARLY 1979 WHEN HE ENTERED PRIVATE PRACTICE IN JUNEAU.

SENATOR KELLY SAID THE HIRING OF COUNCIL WAS NECESSARY SO THAT THE SENATE COULD BE CERTAIN ANY ACTION IT TAKES AGAINST HOHMAN CAN WITHSTAND ANY LEGAL CHALLENGES HOHMAN MIGHT MAKE AGAINST THE STATE. "WE MUST BE CERTAIN WE ARE ON FIRM LEGAL GROUND WHEN WE ADDRESS THIS ISSUE."

KELLY ALSO ANNOUNCED THE RULES COMMITTEE IS STICKING TO ITS SCHEDULED FIRST HEARING ON THE MATTER AT 1:30 P.M. TUESDAY IN THE SENATE FINANCE COMMITTEE ROOM, AND THAT FURTHER HEARINGS ON THE MATTER ARE SCHEDULED FOR WEDNESDAY, THURSDAY AND FRIDAY AT 4:30 P.M.

"IT IS EXTREMELY IMPORTANT THE SENATE ADDRESS THIS PROBLEM AS QUICKLY AS THE LAW ALLOWS," KELLY SAID, "I HOPE TO HAVE THIS ISSUE RESOLVED VERY SOON".



RULES COMMITTEE

FOR IMMEDIATE RELEASE

January 18, 1982

STATE SENATE RULES CHAIRMAN TIM KELLY (R) ANCHORAGE, TODAY OUTLINED THE OPTIONS HIS COMMITTEE WILL CONSIDER TOMORROW WHEN THEY MEET FOR THE FIRST TIME ON THE ISSUE OF WHAT ACTIONS SHOULD BE TAKEN AGAINST SENATOR GEORGE HOHMAN.

KELLY, IN A PREPARED RELEASE TODAY SAID THE RULES COMMITTEE'S ATTORNEY, WILLIAM COUNCIL, OF JUNEAU, HAS PREPARED TWO OPTIONS FOR THE COMMITTEE OUTLINING THE SENATE'S POSSIBLE COURSE OF ACTION.

OPTION #1, WOULD LIMIT THE SCOPE OF THE COMMITTEE'S INQUIRY HEARING TO CONSIDERATION OF POSSIBLE ACTIONS AGAINST HOHMAN BASED ON THE JURY'S VERDICT OF GUILTY. OPTION #2 WOULD ALLOW THE COMMITTEE TO REVIEW THE HOHMAN TRIAL TRANSCRIPTS AND DRAW ITS OWN CONCLUSIONS; THE PROCEDURE FOLLOWED BY THE U.S. CONGRESS IN THE RECENT ABSCAM CASES.

KELLY SAID THE TRIAL TRANSCRIPTS ARE STILL BEING PRINTED FOR INCLUSION IN THE SENATE JOURNAL AND WILL NOT BE COMPLETE UNTIL JANUARY 28.

KELLY SAID THE HEARINGS WILL BEGIN PROMPTLY AT 1:30 P.M. TOMORROW IN THE SENATE FINANCE COMMITTEE ROOM IN JUNEAU.

ALASKA STATE SENATE

SENATOR TIM KELLY, CHAIRMAN
SENATOR ED DANKWORTH, VICE-CHAIRMAN
SENATOR JALMAR KERTTULA
SENATOR ROBERT ZIEGLER
SENATOR FRANK FERGUSON



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RULES COMMITTEE

FOR IMMEDIATE RELEASE

January 13, 1982

SENATOR TIM KELLY (R-ANCHORAGE) CHAIRMAN OF THE SENATE RULES COMMITTEE, ANNOUNCED TODAY THAT THE COMMITTEE WILL HOLD ITS FIRST MEETING ON THE SENATOR HOHMAN MATTER, TUESDAY, JANUARY 19th, AT 1:30 P.M. IN THE SENATE FINANCE ROOM.

KELLY STATED, "THAT TO AVOID THE POSSIBILITY OF ANY FUTURE LEGAL CHALLENGES, IT IS IMPORTANT THAT WE CONFORM TO THE LEGAL REQUIREMENTS AND ADEQUATE NOTICE PROVISIONS. WE ARE MOVING AS FAST AS WE CAN, CONSIDERING THE BUILT-IN DELAY FACTORS INHERENT IN A MATTER OF THIS NATURE."

SENATOR KELLY ANNOUNCED THAT THE FIRST MEETING WOULD BE LIMITED TO THE SCOPE OF THE INQUIRY AND THE TIMETABLE THE COMMITTEE WILL ADOPT TO HANDLE THE QUESTION AS QUICKLY AS POSSIBLE.

PRESS RELEASE

January 13, 1982

Senator Jay Kerttula, Senate President, announced today that on the first day of the legislative session he met with legal counsel to determine the appropriate course of action for the Senate to take in resolving the questions raised by the December jury decision against Senator George Hohman. On the second day of the session, acting upon the advice he received from legal counsel, Senator Kerttula referred the matter to the Rules Committee, a long-established standing committee, for investigation.

Senator Kerttula stated that while he appreciates the importance of having the matter settled as quickly as possible, it is also important that the Senate follow constitutionally required procedures. Under law Senator Hohman has the right to a hearing before a committee, to call witnesses, and to have counsel represent him. For the Senate to act without following the necessary procedure would leave any action open to legal challenge and could result in a great extension of the time required to reach a resolution.

The Rules Committee will hold the necessary hearings to consider whether Senator Hohman's conviction should lead to his expulsion from the Senate or other disciplinary action. It must give him reasonable notice of the hearings so that he has time to prepare for them. The committee will decide any limitations on the scope of the investigation. If a majority of the committee votes to expel Senator Hohman as a member

of the Senate, it must draft and introduce a special resolution calling for expulsion. A 2/3 vote of the Senate is required for expulsion.

Senator Kerttula has been advised that the investigating committee must have the trial record before it to have an adequate basis to make its findings, rather than rely just on the conviction, and thus the transcript of the trial must also be included in the Senate Journal. Otherwise, if the conviction were to be overturned for a technical point on appeal, the committee's decision would again be open to challenge unless the Senate had an independent basis such as the transcript to decide that Senator Hohman should be expelled.

Senator Kerttula stated that he was confident that the Rules Committee would give the matter full consideration without undue delay and that it would reach a solution in keeping with the obligations of the Senate to the people of Alaska.