

7847 HB SCRA - KODIAK REPORT

Article 4. Planning, Platting and Zoning.

Section

70. Planning, platting and zoning

90. Zoning

Sec. 29.33.070. Planning, platting and zoning. (a) First and second class boroughs shall provide for planning, platting and zoning on an areawide basis.

(b) The assembly by ordinance may

(1) designate the council of a city within the borough as a board of adjustment within the city;

(2) delegate other planning and zoning administrative and enforcement responsibilities to the city, provided that borough jurisdiction is not impaired;

(3) withdraw powers delegated under this subsection. (§ 2 ch 118 SLA 1972; am § 1 ch 17 SLA 1977; am § 7 ch 93 SLA 1977)

Effect of amendments. — The first 1977 amendment, in subsection (b) deleted "If a city within a borough is located more than 25 miles from a boundary of the borough seat" from the beginning of the introductory language and substituted "a city within the borough" for "the city" in paragraph (1).

The second 1977 amendment substituted "First and second class boroughs" for "Boroughs" at the beginning of subsection (a).

Cited in Moore v. State, Sup. Ct. Op. No. 1284 (File Nos. 2551, 2587), 553 P.2d 8 (1976).

Sec. 29.33.090. Zoning. (a) In accordance with the comprehensive plan, the assembly shall regulate and restrict the use of land and improvements by districts or contract zoning to permit specific uses provided for in the contract. Regulations shall be uniform for each class or kind of building, structure, land or water area within each district, but the regulations may differ among districts and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments. In this section, "contract zoning" means a zoning reclassification to a less restricted use when the owner of the rezoned property, either through an agreement with the assembly or a covenant in favor of the borough, places restrictions on the use of the land beyond the zoning requirements generally attaching to the new district in which the property has been placed. The assembly shall hold a public hearing on the proposed contract zoning.

(d) The assembly shall regulate and restrict the use of state land within the borough which is vacant, unappropriated and unreserved and which is found suitable for classification and disposal for homesite entry under AS 38.08.010. Compliance with the provisions of this subsection is a prerequisite to issuance of homesite entry permits for land within the borough.

(am § 1 ch 104 SLA 1974; am § 3 ch 142 SLA 1977)

§ 29  
EF  
amer  
perm  
contr  
subs  
four  
Th  
(d).  
As  
affec  
out.  
Ed  
1977,  
long  
the C  
VIII,  
38.05  
sett  
St  
St  
Sup.  
P.2d  
Se  
Qu  
Sup.  
P.2d  
Se  
Cl  
No. 1  
C  
Sect  
20. S  
Se  
exerc  
incor  
chap  
seek  
boro  
SLA  
Cro  
this (

AN ACT

Relating to the composition and apportionment of borough assemblies; and providing for an effective date.

---

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1: AS 29.23.021, AS 29.23.023, AS 29.23.025 are repealed.

Section 2: AS 29.23 is amended by adding new sections to read:

Sec. 29.23.021. ASSEMBLY COMPOSITION AND APPORTIONMENT.

- (a) Assembly composition and apportionment shall be consistent with the equal representation standards of the Constitution of the United States.
- (b) The assembly of a newly incorporated borough is, after incorporation and until the adoption of an ordinance providing for a change in composition or apportionment, composed of the number of members and apportioned as set out in the incorporation petition approved by the voters. If a borough is already incorporated, the assembly shall be composed and apportioned in a manner that is consistent with this chapter and prescribed by charter or ordinance.
- (c) All assembly members shall have an equal vote with each other on all matters. Weighted or fractioned voting is prohibited.

Sec. 29.23.023. COMPOSITION AND REPRESENTATION.

- (a) After the report of the 1980 Federal Decennial Census and not later than July 31, 1981, the assembly shall adopt a resolution selecting one of the following forms of representation:

1. members to be elected at large by all qualified voters of the borough;
2. members to be elected at large by all qualified voters of the borough, but required to live within an election district or zone to be thereafter established by the borough for election of assembly members, with each district or zone being of substantially equal population; or
3. members to be elected by and from election districts or zones to be thereafter established by the borough for the election of borough assembly members, with each district or zone being of substantially equal population; or
4. members to be elected by a specified combination of any of the above three forms as specified and set forth in the resolution.

(b) If the assembly fails to adopt such a resolution within the time specified the Department of Community and Regional Affairs shall be notified promptly and shall select the form of representation to be submitted to the voters for their approval under subsection (c) in the same manner as if it had been selected by the assembly.

(c) The form which is selected by the assembly shall be submitted to the voters for their approval at a regular election or special election called for that purpose within four months of the resolution. The vote on the proposal shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and home rule cities in the borough. The other classification shall consist of all votes cast in the remaining area of the borough. To be approved the proposed form of representation must be accepted by an affirmative vote of a majority of the qualified voters who vote on the question of approval in each classification at that election.

- (d) If the form of representation selected by the assembly fails to be approved by the voters the assembly may select from among the other forms of representation and hold additional elections to seek the approval of the voters. Within four months of the certification of the results of the first election if a form of representation has not been approved, the Department of Community and Regional Affairs shall be promptly notified and shall select, within one month thereof, the form of representation to be implemented by the assembly. The Department shall notify the borough assembly of its selection at which time the assembly shall begin to implement this form of representation. Whether approved at an election or selected by the Department of Community and Regional Affairs the borough assembly shall implement that form of representation in the manner and according to the time limits provided in (e).
- (e) If the form of representation approved or selected by the Department of Community and Regional Affairs is one by which assembly members are to be elected at large by all qualified voters of the borough, the borough assembly shall have two months from the date of certification of the results of the election or of notification of the selection by the Department of Community and Regional Affairs to devise and adopt an ordinance implementing that form of representation. If any other form or combination of forms of representation is approved or selected, the borough assembly shall have six months thereafter to devise and adopt an ordinance implementing such a form of representation. If the assembly does not adopt such an ordinance within the time specified the Department of Community and Regional Affairs shall devise such an ordinance within six months which shall then be adopted by the assembly.

- (f) The provisions of the ordinance shall become applicable at an election to be held not later than six (6) months following the adoption of the ordinance. At such election all assembly positions shall be up for election. The borough assembly members elected at this election shall determine by lot the length of their term of office so that a proportionate number of terms expire each year, resulting in staggered terms of office for members subsequently elected.
- (g) The borough assembly may change its form of representation by the procedures described in this section at such other times as it deems appropriate. The borough assembly may change the number of members of assembly by ordinance at such times as it deems appropriate. If this change affects the apportionment of the assembly it shall be accomplished according to the procedures provided for reapportionment in AS 29.23.025.
- (h) A member of the assembly of a general law borough shall be elected directly by the voters to that position. A member shall not hold such position by virtue of appointment or election by the council of a city within the borough, except until the new assembly members elected at the first election held under the ordinance enacted according to subsections (a) through (f) of this section are sworn-in to office. This shall not prohibit nor preclude a member of the council of a city in the borough from being eligible for election as, and serving as a member of the assembly of that borough if so elected, nor a member of the assembly of a borough from being eligible for election as and serving as a member of the council of a city within that borough if so elected.

Sec. 29.23.025. ASSEMBLY REAPPORTIONMENT.

- (a) Not later than July 31, 1981, and thereafter within two months after the official report of a Federal Decennial

with the applicable standards of AS 29.23.021. At the same time the assembly may alter its form of representation or composition.

(e) If the assembly chooses to alter the existing form of representation it shall do so according to the procedures and within the time limits described in AS 29.23.023 while concurrently effectuating the necessary change in its apportionment.

(f) If the reapportionment is to be accomplished without a change in the form of representation then the assembly shall have six (6) months to devise and adopt an ordinance which implements proper apportionment complying with the standards of AS 29.23.021. If the assembly does not adopt such an ordinance within the time specified the Department of Community and Regional Affairs shall be notified immediately and shall devise such an ordinance to accomplish proper reapportionment within six (6) months. That ordinance shall then be adopted by the assembly.

(g) The provisions of the ordinance shall become applicable at an election to be held not later than six (6) months following the adoption of the ordinance. At such election all assembly positions shall be available for election. The borough assembly members elected at this election shall determine by lot the length of their term of office so that a proportionate number of terms expire each year, resulting in staggered terms of office for members subsequently elected.

Section 3: Section 2 of this Act shall take effect on January 1, 1981. Section 1 of this Act shall take effect immediately in accordance with AS 01.10.070(c).

Census, the assembly shall determine and declare by resolution whether the existing apportionment of the assembly meets the applicable standards of AS 29.23.021. If it is determined that the existing apportionment of the assembly does not meet the applicable standards of AS 29.23.021, the assembly shall provide by ordinance for its reapportionment.

- (b) The assembly shall also determine and declare by resolution whether the existing apportionment of the assembly meets the applicable standards of AS 29.23.021 within two months after being presented with evidence indicating that it does not so comply. This evidence may be presented in either of two ways. It may be presented at the initiative of the assembly or accompanying a petition which is filed with the assembly requesting such a determination. The petition must be signed by not less than fifty registered and qualified voters of the borough. The evidence presented must be based on federal census reports or other reliable population data which has been certified prior to presentation, as reliable by the Department of Community and Regional Affairs.
- (c) A reapportionment moratorium shall exist for two years after the adoption of a resolution by the assembly determining that the existing apportionment does meet the applicable standards of AS 29.23.021 or after the adoption of an ordinance implementing a change in apportionment. During this period the assembly shall not accept or consider any petitions for reapportionment as described in (b), although this shall not limit or prevent reapportionment by any other methods.
- (d) Upon the adoption of a resolution by the assembly declaring the existing apportionment to be improper, the assembly shall devise a new apportionment to comply

with the applicable standards of AS 29.23.021. At the same time the assembly may alter its form of representation or composition.

(e) If the assembly chooses to alter the existing form of representation it shall do so according to the procedures and within the time limits described in AS 29.23.023 while concurrently effectuating the necessary change in its apportionment.

(f) If the reapportionment is to be accomplished without a change in the form of representation then the assembly shall have six (6) months to devise and adopt an ordinance which implements proper apportionment complying with the standards of AS 29.23.021. If the assembly does not adopt such an ordinance within the time specified the Department of Community and Regional Affairs shall be notified immediately and shall devise such an ordinance to accomplish proper reapportionment within six (6) months. That ordinance shall then be adopted by the assembly.

(g) The provisions of the ordinance shall become applicable at an election to be held not later than six (6) months following the adoption of the ordinance. At such election all assembly positions shall be available for election. The borough assembly members elected at this election shall determine by lot the length of their term of office so that a proportionate number of terms expire each year, resulting in staggered terms of office for members subsequently elected.

Section 3: Section 2 of this Act shall take effect on January 1, 1981. Section 1 of this Act shall take effect immediately in accordance with AS 01.10.070(c).

HCR

7

RE: Kodiak  
ANNEXATION





Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

TO: Senator Bob Mulcahy  
Vice-Chairman  
Senator Terry Stimson  
Senator Tim Kelly  
Senator Patrick Rodey  
Senator Mike Colletta  
Senator Jalmer Kerttula  
Senator John Sackett  
Senator M.E. Jankworth  
Senator Peter Meland  
Senator Bill Sumner  
Senator Robert Ziegler  
Senator W.E. Bradley  
Senator Bettye Fahrenkamp  
All Interested Parties

FROM: Arliss Sturgulewski *AS*  
Chairman

SUBJECT: COMMITTEE MEETING - BUTROVICH ROOM, 207 Capitol Building

Thursday, February 22, 1979

1:30 p.m.

SB 2 - An Act relating to the Comprehensive Recycling and Reduction of Litter and Imposing a Litter Reduction Assessment; and providing for an effective date.

*Added ASR 10  
ACR 1, AM*

HCR7



# Alaska State Legislature

## Senate

Office of the Secretary  
January 21, 1980

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

MEMORANDUM TO: Community and Regional Affairs Committee

From: Secretary of the Senate *JSM*

Subject: Report to the Second Session of the  
Eleventh Legislature relating to  
Review of Services provided to the  
Residents in the Kodiak Island Borough

The President has referred the above report to the  
Community and Regional Affairs Committee for your  
information.

Encl: C&RA report of January 18, 1980

*1-29-80  
Sen. C/RA  
heard & discussed  
Report.  
No action  
needed*

# STATE OF ALASKA

CORA  
JAY S. HAMMOND, Governor

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B  
JUNEAU, ALASKA 99811

January 18, 1980

The Honorable Clem Tillion  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator *Clem* Tillion:

In accordance with the provision of House Concurrent Resolution No. 7 as amended, presented herewith is a report reviewing the progress made to provide services to the "urban" resident of the Kodiak Island Borough not residing within the City of Kodiak.

The report is a brief summary of the existing situation in Kodiak, progress that has been made this past year, and recommendations for further action to resolve the problems that still exist before water and sewer services can be provided to residents living outside the City of Kodiak boundary.

Sincerely,



Lee McAnerney  
Commissioner

Enclosures

REPORT TO THE  
SECOND SESSION OF THE  
ELEVENTH LEGISLATURE  
RELATING TO REVIEW OF  
SERVICES PROVIDED TO THE  
RESIDENTS IN THE KODIAK ISLAND BOROUGH

PREPARED AND SUBMITTED PURSUANT  
TO HOUSE CONCURRENT RESOLUTION No. 7AM  
BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

JANUARY 18, 1980

## Background

As a result of a petition to annex a small area into the City of Kodiak the Local Boundary Commission (LBC) held two public hearings, one on December 12, 1977 and the other on May 20, 1978, to take public testimony on the annexation of a larger area to the City of Kodiak. This area included the Spruce Cape area, the Mill Bay Road area, the Monashka Bay area, and the United States Coast Guard Station. Following the public hearing the LBC recommended to the First Session of the Eleventh Legislature that all of the areas, except the Coast Guard Station, be annexed to the City of Kodiak. The Legislature disapproved this annexation by adoption of House Joint Resolution 10. The Legislature, in House Concurrent Resolution No. 7 amended, requested the Department of Community and Regional Affairs to study the various options to provide "services throughout the road system extending North and Northeast of the City of Kodiak" and to submit a report to the Legislature by January 20, 1980.

## Progress to Date

During 1979, the City of Kodiak and the Kodiak Island Borough worked together to devise an acceptable compromise to provide services to the residents of Service District #1 which includes the area proposed by the LBC for annexation. The Department was kept apprised of these negotiations, and it was clear that the City and Borough wished to work its problem out without C&RA involvement.

The negotiations centered around providing water and sewer service to an area referred to as Service District #1, which includes the Island Lake and Spruce Cape areas. The City of Kodiak indicated in writing in December, 1979, that "the City's attitude does not preclude small annexations as requested through the presentation of 100% petitions, but does reject the idea of major annexations". This attitude would also preclude the provision of services by instituting a step annexation. The Local Boundary Commission has also stated that it will not pursue annexation in the City of Kodiak area on its own and will only become involved if petitioned.

The method of providing service through a service district approach appears to have the mutual support of the City and Borough. The City is willing to provide water at the city boundary to Service District #1 and to treat effluence from this area. The City will provide water meters to allow for the billing to the Borough for the residents getting water and sewer service in the area outside the c

The major concerns that need to be resolved deal with the operation and maintenance of the water and sewer utility service. A rate study needs to be conducted and the City and Borough have not, as of this date, reached an agreement on selection of a consulting firm to do this work. The City has stated that it does not wish to become involved in any contractual arrangement to operate and maintain the water and sewer systems within Service District #1. City Mayor Al Beardsley states that this "maintenance (within Service District #1) can just as easily be contracted (by the Borough) with a private firm". Agreement has been reached to allow the City inspection privileges during

installation of sewer lines to minimize infiltration into the sewer collection system within Service District #1.

### Public Meeting

On January 12, 1980 Commissioner Lee McAnerney convened a public meeting for the purpose of receiving public comment regarding the "best" way to provide services to those residents of the Kodiak "urban" community outside the City of Kodiak. The managers of both the City and Borough, the city mayor, seven other assembly or council members, and fourteen public participants were present at the meeting.

Thirteen persons testified during the meeting. The overwhelming majority of those testifying favored the direction that the City and Borough have taken in negotiations between these two local governments. The testimony expressed a feeling that the service district approach gives the residents involved more alternatives in the level of service they will receive.

One person testified in favor of annexation of Service District #1 to the City of Kodiak as the best short-term alternative with unification of the City and Borough being the long-term or ultimate solution.

### Future Outlook

This Department is prepared to assist the City of Kodiak and the Kodiak Island Borough in their attempt to work out remaining differences between them. Both the City and Borough should be commended for the progress that has been made to date. There is no reason to think that the remaining

differences cannot be worked out within the next few months.

The question of unification will again appear on the October, 1980 ballot.

If this proposition is approved, jurisdictional problems in providing services to Kodiak Island residents would be resolved.

The Department concludes that no further action is required by the Legislature, the Local Boundary Commission or this Department, at this time, in the matter of provision of municipal services to residents living within the Kodiak "urban" area.

Following passed Legislature

LEGISLATIVE RESOLVE 3 (HJR 10)

Disapproving Boundary Commission  
Recommendations

Signed by Governor - 3/5/79

LEGISLATIVE RESOLVE 4 (HCR 7, am)

Re Annexation of Territory to the  
City of Kodiak

Read by Governor - 3/5/79

OUR

SSR 2

SCR 19

} Remain in  
} Committee Dead  
} FILES

STATE OF ALASKA

THE LEGISLATURE

1979

Source

HJR 10

Legislative  
Resolve No.

3



Relating to Local Boundary Commission Recommendation I of  
January 23, 1979 for annexation of territory to the City of  
Kodiak.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, under art. X, sec. 12 of the Constitution of the  
State of Alaska, the Local Boundary Commission has presented to  
the legislature its Recommendation I of January 23, 1979,  
entitled "Recommendation for Annexation of Territory to the  
City of Kodiak"; and

WHEREAS recommendations of the Local Boundary Commission  
presented to the legislature become effective 45 days after  
presentation or at the end of the session, whichever is  
earlier, unless disapproved by a resolution concurred in by  
the majority of the members of each house;

BE IT RESOLVED by the Alaska State Legislature that Local  
Boundary Commission Recommendation I of January 23, 1979 for  
annexation of territory to the City of Kodiak is disapproved.

# STATE OF ALASKA

## THE LEGISLATURE

1979

Source

HCR 7 am

Legislative  
Resolve No.

4



Relating to an annexation of territory to the City of Kodiak.

### BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the road system extending north and northeast of the present boundaries of the City of Kodiak to those areas popularly known as Spruce Cape, Island Lake, Mill Bay, and Morashka Bay defines a natural community of residents whose lives and activities generally involve interaction with residents of and services provided in the City of Kodiak; and

WHEREAS, after public hearings and a public decisional meeting, the Local Boundary Commissioner of the State of Alaska has recommended annexation of a major portion of the area described by the road network to the City of Kodiak; and

WHEREAS the Legislature, by its adoption of House Joint Resolution 10, has disapproved the annexation submitted by the Department of Community and Regional Affairs on behalf of the Local Boundary Commission; and

WHEREAS, after opportunity for public comment before legislative committees, it appears that an adequate municipal services draft annexation plan was not earlier available for public review; and

WHEREAS there is ample evidence in the record of hearings before the Local Boundary Commission and the legislative committees that growth and development are occurring in the area; and

WHEREAS population growth and development have in some areas created a situation which endangers the public health, and require that certain services be provided;

BE IT RESOLVED by the Alaska State Legislature that the Governor is respectfully requested to direct the commissioner

of the Department of Community and Regional Affairs immediately to

(1) work with the appropriate departments of the state government, the City of Kodiak and the Kodiak Island Borough to alleviate the public health problem in the areas of Island Lake, Dark Lake and their drainage;

(2) work with the City of Kodiak and the Kodiak Island Borough to examine alternatives, including their impact, which might be applicable to the provision of appropriate services to the area located generally north and northeast of the corporate limits of the City of Kodiak, including but not limited to

(A) step annexation, by which residents of the annexed area would pay a percentage of the full city property tax rate equal to the total percentage cost of all services provided;

(B) annexation, with an adequate draft municipal services plan which may include provision for differential tax zones;

(C) unification; and

(D) any other methods of providing services throughout the road system extending north and northeast of the City of Kodiak; and

(3) convene one or more public meetings with interested residents of the area for the purpose of ascertaining the nature and degree of essential services and to review information relating to costs and benefits of the various alternatives for delivering services; and be it

FURTHER RESOLVED that the commissioner of the Department of Community and Regional Affairs evaluate, after consultation with the City of Kodiak and the Kodiak Island Borough, the alternatives and recommend a plan of implementation; and be it

FURTHER RESOLVED that the commissioner transmit a report to the Second Session of the Eleventh Legislature not later than January 20, 1980.

# STATE OF ALASKA

*CDRA*  
JAY S. HAMMOND, Governor

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B  
JUNEAU, ALASKA 99811

January 18, 1980

The Honorable Clem Tillion  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Sena *Clem* Tillion:

In accordance with the provision of House Concurrent Resolution No. 7 as amended, presented herewith is a report reviewing the progress made to provide services to the "urban" resident of the Kodiak Island Borough not residing within the City of Kodiak.

The report is a brief summary of the existing situation in Kodiak, progress that has been made this past year, and recommendations for further action to resolve the problems that still exist before water and sewer services can be provided to residents living outside the City of Kodiak boundary.

Sincerely,



Lee McAnerney  
Commissioner

Enclosures

REPORT TO THE  
SECOND SESSION OF THE  
ELEVENTH LEGISLATURE  
RELATING TO REVIEW OF  
SERVICES PROVIDED TO THE  
RESIDENTS IN THE KODIAK ISLAND BOROUGH

PREPARED AND SUBMITTED PURSUANT  
TO HOUSE CONCURRENT RESOLUTION NO. 7AM  
BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

JANUARY 18, 1980

## Background

As a result of a petition to annex a small area into the City of Kodiak the Local Boundary Commission (LBC) held two public hearings, one on December 12, 1977 and the other on May 20, 1978, to take public testimony on the annexation of a larger area to the City of Kodiak. This area included the Spruce Cape area, the Mill Bay Road area, the Monashka Bay area, and the United States Coast Guard Station. Following the public hearing the LBC recommended to the First Session of the Eleventh Legislature that all of the areas, except the Coast Guard Station, be annexed to the City of Kodiak. The Legislature disapproved this annexation by adoption of House Joint Resolution 10. The Legislature, in House Concurrent Resolution No. 7 amended, requested the Department of Community and Regional Affairs to study the various options to provide "services throughout the road system extending North and Northeast of the City of Kodiak" and to submit a report to the Legislature by January 20, 1980.

## Progress to Date

During 1979, the City of Kodiak and the Kodiak Island Borough worked together to devise an acceptable compromise to provide services to the residents of Service District #1 which includes the area proposed by the LBC for annexation. The Department was kept apprised of these negotiations, and it was clear that the City and Borough wished to work its problem out without C&RA involvement.

The negotiations centered around providing water and sewer service to an area referred to as Service District #1, which includes the Island Lake and Spruce Cape areas. The City of Kodiak indicated in writing in December, 1979, that "the City's attitude does not preclude small annexations as requested through the presentation of 100% petitions, but does reject the idea of major annexations". This attitude would also preclude the provision of services by instituting a step annexation. The Local Boundary Commission has also stated that it will not pursue annexation in the City of Kodiak area on its own and will only become involved if petitioned.

The method of providing service through a service district approach appears to have the mutual support of the City and Borough. The City is willing to provide water at the city boundary to Service District #1 and to treat effluence from this area. The City will provide water meters to allow for the billing to the Borough for the residents getting water and sewer service in the area outside the city.

The major concerns that need to be resolved deal with the operation and maintenance of the water and sewer utility service. A rate study needs to be conducted and the City and Borough have not, as of this date, reached an agreement on selection of a consulting firm to do this work. The City has stated that it does not wish to become involved in any contractual arrangement to operate and maintain the water and sewer systems within Service District #1. City Mayor Al Beardsley states that this "maintenance (within Service District #1) can just as easily be contracted (by the Borough) with a private firm". Agreement has been reached to allow the City inspection privileges during

installation of sewer lines to minimize infiltration into the sewer collection system within Service District #1.

### Public Meeting

On January 12, 1980 Commissioner Lee McAnerney convened a public meeting for the purpose of receiving public comment regarding the "best" way to provide services to those residents of the Kodiak "urban" community outside the City of Kodiak. The managers of both the City and Borough, the city mayor, seven other assembly or council members, and fourteen public participants were present at the meeting.

Thirteen persons testified during the meeting. The overwhelming majority of those testifying favored the direction that the City and Borough have taken in negotiations between these two local governments. The testimony expressed a feeling that the service district approach gives the residents involved more alternatives in the level of service they will receive.

One person testified in favor of annexation of Service District #1 to the City of Kodiak as the best short-term alternative with unification of the City and Borough being the long-term or ultimate solution.

### Future Outlook

This Department is prepared to assist the City of Kodiak and the Kodiak Island Borough in their attempt to work out remaining differences between them. Both the City and Borough should be commended for the progress that has been made to date. There is no reason to think that the remaining

differences cannot be worked out within the next few months.

The question of unification will again appear on the October, 1980 ballot. If this proposition is approved, jurisdictional problems in providing services to Kodiak Island residents would be resolved.

The Department concludes that no further action is required by the Legislature, the Local Boundary Commission or this Department, at this time, in the matter of provision of municipal services to residents living within the Kodiak "urban" area.

*Fal. action*  
*Radick*

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### ELEVENTH LEGISLATURE - FIRST SESSION

JUNEAU, ALASKA

Monday

February 19, 1979

#### Thirty-sixth Day

Pursuant to adjournment, the House was called to order by Speaker Gardiner at 10:07 a.m.

The roll call showed all members present except Representatives Barnes, Martin, Randolph and Smith who had previously been excused from a call of the House and Representatives Carney and Guy.

The prayer was offered by the Chaplain, Lieutenant Floyd Bacon of the Salvation Army. Mr. Miller moved and asked unanimous consent that the prayer be spread on the journal. There being no objection, it was so ordered, and the prayer appears as follows:

"Heavenly Father;

In these days of confusion, we thank You for Your direction in our lives.

In times of turmoil and unrest, we thank You for the rest You bring to our hearts.

When arguments between men and nations strain relationships to near breaking, we thank You for the peace of Your love to bring us quiet and understanding.

Dear Lord, for these things and for another day in which to serve You, we praise Your Holy Name. We pray thy blessing upon this body. As issues are considered and decisions reached, may Your guidance be evident.

In Jesus' Name we pray.....

Amen."

Mr. Anderson moved and asked unanimous consent that the journals for the 33rd, 34th and 35th days, and House Journal Supplement No. 13, be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated February 16, 1979, was read stating the Senate has approved the following Citation and it is transmitted for consideration:

In Memoriam - Franklin Warren Butte, by Senators Rodey and Ray and Representative Munson.

The Citation was sent to the Rules Committee for placement on the calendar.

REPORTS OF STANDING COMMITTEES

HJR 10 The Community and Regional Affairs Committee has had HOUSE JOINT RESOLUTION NO. 10 (Local Boundary Commission Recommendation I of January 23, 1979 for annexation of territory to the City of Kodiak) under consideration and a majority of the committee recommends it do pass. Concurring: Parker (Chairman), Branson, Carney, Parr, Zharoff, O'Connell and Metcalfe.

HJR 10 was referred to the Rules Committee for placement on the calendar.

HB 26 The Finance Committee has had HOUSE BILL NO. 26 (relating to insurance coverage for persons receiving benefits under the public employees' and teachers' retirement systems) under consideration and a majority of the committee recommends it be replaced with State Affairs COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 26 (same title) and that it do pass and attaches a fiscal note. Concurring: Meekins (Chairman), Duncan, McKinnor, Rogers, Schaeffer, Montgomery and Freeman. Not concurring: Smith and Moss have no recommendation.

HB 26 was referred to the Rules Committee for placement on the calendar.

The fiscal note on HB 26 appears in Journal Supplement No. 14.

HB 34 The Finance Committee has had HOUSE BILL NO. 34 (relating to the preparation and distribution of a taxpayers' survey of the budget) under consideration and a majority of the committee recommends it be replaced with State Affairs COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 34:

"An Act relating to the preparation and distribution of a taxpayers' summary of the budget."

and reports it back with individual recommendations and attaches a fiscal note. Duncan, McKinnon, Rogers, Moss and Montgomery recommend it do pass. Meekins (Chairman), Smith, Schaeffer and Freeman have no recommendation.

HB  
34

HB 34 was referred to the Rules Committee for placement on the calendar.

A fiscal note on HB 34 appears in House Journal Supplement No. 14.

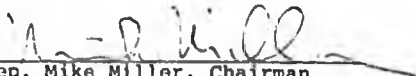
The following State Affairs Committee Chairman's report was submitted on HOUSE BILL NO. 84 (relating to the refund of the unused balance of personal leave upon termination from state employment.):

HB  
84

#### Chairman's Report State Affairs

HB 84

During the consideration of this legislation, the Department of Administration indicated that its interpretation of the phrase "or in installments over a period of time" would not mean that an employee has the option of mandating the amounts or installment schedule for the payment of personal leave over a period of time. It would mean instead that, at the option of the employee, the lump sum payment would be waived and instead the employee would receive monthly payments equivalent to his normal pay schedule. The consensus of the committee was that this interpretation would be recognized as consistent with legislative intent regarding this proposed statute.

  
Rep. Mike Miller, Chairman

The Finance Committee has had HOUSE BILL NO. 93 (supplemental appropriation to the Office of the Governor, for supervisory bargaining unit contract; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Duncan, McKinnon, Smith, Rogers, Schaeffer and Freeman. Not concurring: Meekins (Chairman), Moss and Montgomery have no recommendation.

HB  
93

HB 93 was referred to the Rules Committee for placement on the calendar.

HB 98 The Health, Education and Social Services Committee has had HOUSE BILL NO. 98 (relating to the administration of questionnaires in public schools; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Buchholdt (Chairman), Chatterton, Hurlbert, Beirne, Miles and Munson.

HB 98 was referred to the Judiciary Committee.

HB 106 The State Affairs Committee has had HOUSE BILL NO. 106 (relating to state employees' leave) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Martin, Metcalfe, Gardiner, Parker and Fuller.

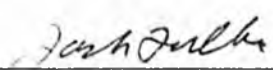
HB 106 was referred to the Finance Committee.

HB 135 The following State Affairs Committee Chairman's report was submitted on HOUSE BILL NO. 135 (special appropriation to the Department of Transportation and Public Facilities for a Naknek River crossing study; effective date):

Chairman's Report State Affairs

CSHB 135

The intent of the State Affairs Committee in amending Sec. 1 was to broaden the scope of the crossing study to include options other than just a bridge as the original bill specified. It was the feeling of the committee that a bridge might be feasible, but that the cost of such a project would be very high for the few people in the area. However, this would not negate the need for crossing the Maknek River from South Naknek to North Naknek. The committee intent was that all feasible methods of crossing the river be considered.

  
Rep. Jack Fuller, Vice Chairman

The Finance Committee has had HOUSE BILL NO. 143 (making supplemental appropriations to the Department of Health, and Social Services, division of public assistance; effective date) under consideration and a majority of the committee recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 143 (same title) and that it do pass. Concurring: Meekins (Chairman), McKinnon, Smith, Rogers, Schaeffer, Montgomery, Freeman and Moss.

HB  
143

HB 143 was referred to the Rules Committee for placement on the calendar.

The Health, Education and Social Services Committee has had HOUSE BILL NO. 152 (making a special appropriation to the residential care facilities revolving loan fund; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Buchholdt (Chairman), Chatterton, Miles, Beirne, Hurlbert and Munson.

HB  
152

HB 152 was referred to the Finance Committee.

The fiscal note that should have accompanied the Labor & Management Committee's report on HB 189 (elevator safety) has been received and will appear in House Journal Supplement No. 14.

HB  
189

INTRODUCTION, FIRST READING AND REFERENCE  
OF HOUSE RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 7 by the Community and Regional Affairs Committee:

Relating to an annexation of territory  
to the City of Kodiak.

was read the first time with the following Community and Regional Affairs Committee report:

The Community and Regional Affairs Committee has had HOUSE CONCURRENT RESOLUTION NO. 7 (relating to an annexation of territory to the City of Kodiak) under consideration and a majority of the committee recommends it do pass. Concurring: Parker (Chairman), Branson, Parr, Zharoff and O'Connell.

HCR 7 was referred to the Rules Committee for placement on the calendar.

HCR  
7

INTRODUCTION, FIRST READING AND REFERENCE  
OF HOUSE BILLS

HB HOUSE BILL NO. 241 by Gardiner, entitled:  
241

"An Act relating to state bonding."

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

HB HOUSE BILL NO. 242 by the Rules Committee by Request of  
242 the Governor, entitled:

"An Act relating to public employment; and  
providing for an effective date."

was read the first time and referred to the Labor and Management Committee.

A fiscal note on HB 242 appears in House Journal Supplement No. 14.

The Governor's transmittal letter follows:

February 14, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill which amends AS 23.40.070 - 23.40.260, the Public Employment Relations Act (PERA).

Sections 1 and 2 of the bill would alter the current statutory scheme which has established two entirely distinct labor relations agencies (LRA). One LRA, the state personnel board, deals only with the state and state employees. The other LRA, the Department of Labor, deals with all other public employers and public employees subject to the Act. The activities and responsibilities of each LRA are identical, yet they function independently.

In order to use state resources more economically, use and maximize special expertise in labor relations matters under the Act, and assure the development and application of consistent procedures and a body of administrative law, it is recommended that there be only one labor relations agency to deal with all public employers and employees subject to the Act. The sole LRA should be the state personnel board since its role and experience under the Act have been much greater to date than that of the Department of Labor which has been called upon to act as an LRA only very infrequently. The bill would make this change, and at the same time make the Department of Labor available to assist the LRA on various matters which, because of lack of manpower, the LRA may be unable to take care of itself, in a timely manner.

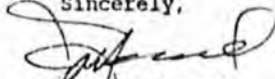
Section 3 of the bill changes the definition of "public employee" to exclude department heads, assistant and deputy department heads, division directors, assistant and deputy division directors, and employees (other than secretarial or clerical) who report directly to those positions.

In the context of labor/management matters, the basic problem now is that there is no true "management" in the public sector in Alaska. The current definition of "public employee" encompasses all employees of the state and political subdivisions except elected or appointed officials and teachers and uncertificated employees of school districts. The only persons who currently represent the "public employer" in the executive branch are the governor and his immediate appointees.

This amendment would recognize the reality of employer-employee relationships in the public sector in Alaska by removing some additional employees with management responsibilities from the coverage of the PERA.

Section 4, establishing an effective date, is designed to avoid any conflict with enforceable contracts in effect on July 1, 1979.

Sincerely,



Jay S. Hammond  
Governor

HB HOUSE BILL NO. 243 by the Rules Committee by Request of  
243 the Governor, entitled:

"An Act relating to teachers' and public employees' retirement; and providing for an effective date."

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

A fiscal note on HB 243 appears in House Journal Supplement No. 14

The Governor's transmittal letter follows:

February 16, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to the Teachers' Retirement System, AS 14.25, and the Public Employees' Retirement System, AS 39.35.

The major thrust of the legislation relating to the Teachers' Retirement System is the revision of the definition section to establish a set of terms which may be used uniformly throughout the remainder of the chapter. Presently, several different terms are used to convey one meaning, single terms are used for more than one purpose, and there are no definitions for other terms appearing in the chapter.

In addition to changes in the definitions, certain sections have been consolidated and rearranged to clarify the numerous options available to a teacher seeking benefits under the chapter.

These clarifying amendments are patterned in both format and intent after the amendments to the Public Employees' Retirement System (PERS) enacted by the legislature in 1977.

Some of the amendments to the Teachers' Retirement System, however, go beyond mere housekeeping. One such change is in the definition of the term "actuarial adjustment." This term is used to describe the reduction in benefits stemming from either the nonpayment of an individual's indebtedness to the system or the individual's desire to retire before the normal retirement date. The present law specifies certain actuarial factors to be applied to the calculation of benefits. To maintain a financially sound retirement system and avoid the problems which have plagued similar systems, I believe that our actuary should be given more

flexibility in making actuarial adjustments to take into account increases and decreases in the fund's resources. Another change is the removal of a deadline for claiming and verifying military service. The bill also adds a waiver-of-adjustments statute similar to the one passed last session for the Public Employees' Retirement System. Both of these provisions will include the availability of relief to beneficiaries as well as members.

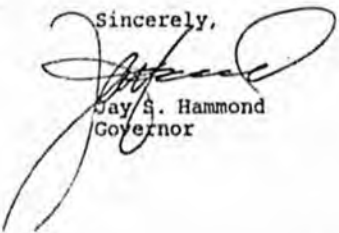
HB  
243

The bill also would provide additional benefits in the Teachers' Retirement System, including:

- (1) removal of the "55 year old" requirement for receipt of a spouse's pension;
- (2) provision of a benefit for a surviving spouse with minor children whose spouse was on deferred vested status;
- (3) an increased benefit for the beneficiary of a teacher who dies while receiving a disability benefit;
- (4) repurchase of credit in the TRS without re-employment in that system if a person is vested in the PERS.

The amendments to the Public Employees' Retirement System, AS 39.35, are all of a minor nature. The bill would remove the current deadline for claiming and verifying military service within one year of vesting. It would also permit former members to reinstate segments of prior credited service in the Public Employees' Retirement System if they are now vested in the Teachers' Retirement System.

Sincerely,

  
Jay S. Hammond  
Governor

→ HOUSE BILL NO. 244 by the Rules Committee by Request of the Governor, entitled:

HB  
244

"An Act relating to the disposal and improvement of state land; authorizing the issuance of revenue bonds to pay the costs of improvements to state land; and providing for an effective date."

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

A fiscal note on HB 244 appears in House Journal Supplement No. 14.

HB The Governor's transmittal letter follows:  
244

February 16, 1979

The Honorable Terry Gardine.  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to establish the Alaska Land Improvement Fund to finance and speed the subdivision and sale of state land.

In order to subdivide and sell state land, it is necessary to survey, plat, build access roads, and -- frequently -- install water and sewer systems. The necessity arises from municipal regulation in some instances, state law in others, and the general obligation to protect the public interest in yet others. These improvements cost money -- a lot of money. Upwards of \$50 million could be required annually to place the requisite amount of state land on the market.

Our budget is tight and growing tighter. We are not reasonably able to appropriate the amount of money required for a full-scale program for disposing of land. Another source of funding is required. The attached bill provides it.

The bill establishes an Alaska Land Improvement Fund as the mechanism for financing the improvements required by state law, municipal ordinance, or the general public interest. Aside from some seed money and insurance, it is financed entirely from revenue bonds which will be repaid from the proceeds of the land sales. The heart of the bill is contained in the first four pages. The remainder, with one exception, is standard terminology for revenue bond programs, essentially the same as the legislation which set up the Alaska Housing Finance Corporation.

The first section, 38.60.005, contains the legislative findings, setting out the problem and the proposed

solution. The next section, 10, sets out the way in which the scope of the annual program will be determined. The program is made public in January to afford both the legislature and the public an ample opportunity to consider it.

The third and fourth sections, 20 and 30, provide for the disposal of land and the improvements to the land. With certain exceptions, the land is sold under the mechanisms prescribed by the Alaska Land Act. The improvements are sold under the provisions of this bill. The former allows for residency credits. The latter does not. Getting full value for the improvements is absolutely essential to the program.

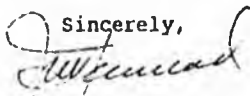
HB  
244

Section 40 authorizes revenue bonds in the amount of \$50 million. This is considered to be the size of an annual program. If the legislature approves the program results, further authorizations can be made in the future. Section 50 sets up the Alaska Land Improvement Fund.

The remainder of the bill is typical for a revenue bond authority, except for proposed AS 38.60.150 and bill section 2. The former enables municipalities to participate in the program where feasible. Whether any satisfactory agreements can be reached will have to be seen, but the opportunity to do so is worth including in the bill. The second exempts land disposed of under this program from the statutory requirement that it be disposed of within 5 weeks from the last day of printed public notice of its disposition. The reason for this is that making the land and improvement contracts mutually contingent necessarily creates delays which could, and probably will, take many of them beyond that deadline.

The bill addresses a big problem. It promises to be a most effective tool in solving that problem. It is virtually fool proof in that only a workable program will attract buyers for the revenue bonds. I urge its swift enactment.

Sincerely,

  
 Jay S. Hammond  
 Governor

→ HOUSE BILL NO. 245 by Moss by Request, entitled:

HB  
245

"An Act relating to recall of municipal officials; and providing for an effective date."

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

HOUSE BILL NO. 246 by Moss and Metcalfe by Request, entitled:

HB  
246

"An Act relating to worker's compensation; and providing for an effective date."

was read the first time and referred to the Labor and Management Committee.

HB HOUSE BILL NO. 247 by Rogers, entitled:  
247

"An Act levying a tax on gas reserves  
in the state; and providing for an  
effective date."

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

HB HOUSE BILL NO. 248 by the State Affairs Committee,  
248 entitled:

"An Act relating to the merger of  
electric and telephone utilities;  
and providing for an effective date."

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

HB HOUSE BILL NO. 249 by Eliason, entitled:  
249

"An Act relating to the membership  
of the Alaska Pioneers' Home Advisory  
Board."

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

#### CONSIDERATION OF THE DAILY CALENDAR

#### SECOND READING OF HOUSE BILLS

HB HOUSE BILL NO. 3 (relating to the restoration of the  
3 right to vote) was read the second time with the  
Judiciary Committee report (page 286 of the journal).

CS Mr. Anderson moved and asked unanimous consent that  
HB COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3 (relating to  
3 the loss and restoration of voting rights) be adopted  
in lieu of HB 3. There being no objection, it was so  
ordered.

Mr. Anderson moved and asked unanimous consent that  
CSHB 3 be considered engrossed, advanced to third reading  
and placed on final passage. There being no objection,  
it was so ordered.

CSHB 3 was read the third time.

The question being: "Shall CSHB 3 pass the House?"  
 The roll call was taken with the following result:

CS  
 HB  
 3

Yeas: 33 Anderson, Beirne, Bettisworth, Branson,  
 Brown, Buchholdt, Chatterton, Cotten,  
 Duncan, Eliason, Freeman, Fuller,  
 Gardiner, Halford, Haugen, Hayes  
 Hurlbert, McKinnon, Malone, Meekins,  
 Metcalfe, Miles, Miller, Moss,  
 Munson, O'Connell, Osterback, Parker,  
 Parr, Phillips, Rogers, Schaeffer,  
 Zharoff.

Nays: 1 Montgomery.

Excused: 4 Barnes, Martin, Randolph, Smith.

Absent: 2 Carney, Guy.

And so, CSHB 3 passed the House.

CSHB 3 was referred to the Chief Clerk for engrossment.

Mr. Anderson moved and asked unanimous consent that  
 HOUSE BILL NO. 61 (creating the Toklat River critical  
 habitat area) be returned to the Rules Committee.  
 There being no objection, it was so ordered.

HB  
 61

HOUSE BILL NO. 81 (relating to trapping license receipts;  
 effective date) was read the second time with the  
 Resources Committee report (page 275 of the journal).

HB  
 81

Mr. Anderson moved and asked unanimous consent that  
 HB 81 be considered engrossed, advanced to third reading  
 and placed on final passage. There being no objection,  
 it was so ordered.

HB 81 was read the third time.

Mr. Anderson moved and asked unanimous consent that  
 HB 81 be taken from today's calendar and referred to the  
 Finance Committee. There being no objection, it was so  
 ordered. HB 81 was referred to the Finance Committee.

HB HOUSE BILL NO. 131 (relating to location of Pioneers'  
131 Homes) was read the second time with the Health, Education  
and Social Services Committee report (page 275 of the  
journal)

CS Mr. Anderson moved and asked unanimous consent that  
HB COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 131 (relating to  
131 Pioneers' Homes) be adopted in lieu of HB 131. There  
being no objection, it was so ordered.

Mr. Anderson moved and asked unanimous consent that  
CSHB 131 be considered engrossed, advanced to third  
reading and placed on final passage.

Mr. Meekins objected.

Mr. Meekins withdrew his objection.

There being no further objection, CSHB 131 was considered  
engrossed, advanced to third reading and placed on  
final passage.

CSHB 131 was read the third time.

The question being: "Shall CSHB 131 pass the House?"  
The roll call was taken with the following result:

Yeas:	32	Anderson, Beirne, Bettisworth, Brunson, Brown, Buchholdt, Chatterton, Cotten, Duncan, Freeman, Fuller, Gardiner, Halford, Haugen, Hayes, Hurlbert, McKinnon, Meekins, Metcalfe, Miles, Miller, Montgomery, Moss, Munson, O'Connell, Osterback, Parker, Parr, Phillips, Rogers, Schaeffer, Zharoff.
-------	----	--

Nays: 0

Excused: 4 Barnes, Martin, Randolph, Smith.

Absent: 4 Carney, Eliason, Guy, Malone.

And so, CSHB 131 passed the House.

CSHB 131 was referred to the Chief Clerk for engrossment.

#### SECOND READING OF HOUSE RESOLUTIONS

HJR HOUSE JOINT RESOLUTION NO. 12 (relating to the tax exemp-  
12 tion granted to federal employees in Alaska and in other  
locations outside the contiguous 48 states) was read the  
second time with the State Affairs Committee report  
(page 105 of the journal).

Mr. Anderson moved and asked unanimous consent that HJR 12 be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

HJR  
12

HJR 12 was read the third time.

The question being: "Shall HJR 12 pass the House?" The roll was taken with the following result:

Yeas: 32 Anderson, Beirne, Bettisworth, Branson, Brown, Buchholdt, Cotten, Duncan, Freeman, Fuller, Gardiner, Halford, Haugen, Hayes, Hurlbert, McKinnon, Malone, Meekins, Metcalfe, Miles, Miller, Montgomery, Moss, Munson, O'Connell, Osterback, Parker, Parr, Phillips, Rogers, Schaeffer, Zharoff.

Nays: 1 Chatterton.

Excused: 4 Barnes, Martin, Randolph, Smith.

Absent: 3 Carney, Guy, Eliason.

And so, HJR 12 passed the House.

HJR 12 was referred to the Chief Clerk for engrossment.

#### UNFINISHED BUSINESS

Mr. Hayes moved and asked unanimous consent that Representative Eliason be excused from a call of the House February 20 through February 23. There being no objection, it was so ordered.

The Speaker announced the appointment of Representative Buchholdt to the Education Commission of the States.

#### ENGROSSMENT

The following were engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

HJR	
12	HJR 12
CSHB	
3	CSHB 3
CSHB	
131	CSHB 131

ANNOUNCEMENTS

Finance			
Natural Resources			
Budget	Capitol 411	11:30 a.m., 2/19	
HESS			
HB 79	Capitol 112	1:00 p.m., 2/19	
Commerce			
HB 24,149 Telecon-			
ference w/Ketchikan-			
Sitka	Assembly 207	1:15 p.m., 2/19	
Sunset review -			
Alaska State Medi-		8:00 a.m., 2/20	
cal Board		1:15 p.m., 2/20	
State Affairs			
HB 124,190,191,197	Capitol 123-A	1:15 p.m., 2/19	
Judiciary			
HB 75	Capitol 124	3:00 p.m., 2/19	
Advance Notice:			
HB 75 to be tele-			
conferenced with			
Ketchikan	Capitol 124	7:00 p.m., 2/20	
Resources			
HCR 3, SJR 5,			
HB 114	Capitol 118	3:00 p.m., 2/19	
Special Subsistence			
Committee			
HB 199	Capitol 118	5:00 p.m., 2/19	
Labor & Management			
HB 178,177	Court 648	8:30 a.m., 2/20	

ADJOURNMENT

Mr. Anderson moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 20, 1979. There being no objection, the House adjourned at 11:20 a.m.

Irene Cashon  
Chief Clerk

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

ELEVENTH LEGISLATURE - FIRST SESSION

JUNEAU, ALASKA

Monday

March 5, 1979

### Fiftieth Day

Pursuant to adjournment, the House was called to order at 10:05 a.m. by Speaker Gardiner.

The roll call showed all members present except Representatives Buchholdt, McKinnon and Randolph.

Representatives McKinnon and Randolph had been previously excused from a call of the House.

Mr. Anderson moved and asked unanimous consent that Representative Buchholdt be excused from a call of the House on March 5 and 6. There being no objection, it was so ordered.

The prayer was offered by the Chaplain, Pastor John Tindell of the Northern Light United Church.

Mr. Anderson moved and asked unanimous consent that the Journal for the 47th, 48th and 49th days and House Journal Supplement No. 20 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

### MESSAGES FROM THE GOVERNOR

A message dated March 5, 1979 was read stating that the Governor has read the following resolution and has transmitted the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CONCURRENT RESOLUTION NO. 7am  
(relating to an annexation of territory  
to the City of Kediak)  
Legislative Resolve No. 4

HCR  
7am

HJR 10 A message dated March 5, 1979 was read stating that the Governor has signed the following resolution and has transmitted the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

HOUSE JOINT RESOLUTION NO. 10  
(relating to Local Boundary Commission  
Recommendation I of January 23, 1979  
for annexation of territory to the  
City of Kodiak)  
Legislative Resolve No. 3

#### MESSAGES FROM THE SENATE

A message dated March 2, 1979 was read stating that the Senate has approved the following citations and they are returned:

In Memoriam - James Estelle

Congratulating Sitka High School  
Drill Team

The above citations were referred to the Chief Clerk for enrollment.

A message dated March 2, 1979 was read stating that the Senate has approved the following citations and they are transmitted for consideration:

Congratulating Kwethluk Cheerleaders

In Memoriam - Merrice Murphy

Commending Anchorage Chamber of Commerce  
and Alaska Federation of Women's Clubs

The above citations were referred to the Rules Committee for placement on the calendar.

#### REPORTS OF STANDING COMMITTEES

HR 1 The Resources Committee has had HOUSE RESOLUTION NO. 1 (relating to land allocation in the Tongass National Forest) under consideration and a majority of the committee recommends it do pass. Concurring: Osterback (Co-Chairman), Chatterton, Cotten, Carney, Fuller and Zharoff. Not concurring: Miles (Co Chairman) has no recommendation.

HR 1 was referred to the Rules Committee for placement on the calendar. HR 1

The Finance Committee has had HOUSE CONCURRENT RESOLUTION NO. 5 (urging the Judicial Council to complete its review and make recommendations in the matter of judicial sentencing practices) under consideration and a majority of the committee recommends it do pass. Concurring: Meekins (Chairman), Freeman, Montgomery, Haugen, Schaeffer, Moss, Rogers and McKinnon. HCR 5

HCR 5 was referred to the Rules Committee for placement on the calendar.

The Finance Committee has had HOUSE BILL NO. 81 (relating to trap 'ng license receipts; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Duncan, Rogers, Moss, Freeman, Haugen and Montgomery. Not concurring: Meekins (Chairman), McKinnon and Schaeffer have no recommendation. HB 81

HB 81 was referred to the Rules Committee for placement on the calendar.

The Finance Committee has had HOUSE BILL NO. 119 (making a special appropriation to the Department of Fish and Game for the implementation of a game management plan for bison in Delta Junction; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Meekins (Chairman), Freeman, Montgomery, Haugen, Rogers, Moss, McKinnon and Schaeffer. HB 119

HB 119 was referred to the Rules Committee for placement on the calendar.

The State Affairs Committee has had HOUSE BILL NO. 161 (making a special appropriation to the Department of Transportation and Public Facilities for the construction of a "Tustumena" class ferry; effective date) under consideration and a majority of the committee recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 161: HB 161

"An Act making a special appropriation to the Department of Transportation and Public Facilities to acquire for the Marine Highway System two ferries for service in the Alaska Peninsula and Aleutian Islands; and providing for an effective date "

HB 161 and that it do pass. Concurring: Miller (Chairman), Gardiner, Parker and Fuller. Not concurring: Eliason and Metcalfe have no recommendation.

HB 161 was referred to the Finance Committee.

HB 177 The Finance Committee has had HOUSE BILL NO. 177 (relating to unemployment insurance; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Meekins (Chairman), Freeman, Montgomery, Haugen, Rogers, Moss, McKinnon and Schaeffer.

HB 177 was referred to the Rules Committee for placement on the calendar.

HB 179 The Health, Education and Social Services Committee has had HOUSE BILL NO. 179 (relating to the Alaska Medical Facility Authority; effective date) under consideration and a majority of the committee recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 179 (same title) and reports it back with individual recommendations. Munson (Vice Chairman), Barnes and Beirne recommend do pass. Chatterton and Miles have no recommendation.

HB 179 was referred to the Rules Committee for placement on the calendar.

HB 195 The Finance Committee has had HOUSE BILL NO. 195 (providing for an advisory committee on judicial sentencing practices; effective date) under consideration and a majority of the committee recommends it do pass with:

Amendment No. 2 by the Finance Committee

Page 2, line 29:

Delete "March 1, 1980"  
Insert "February 1, 1980"

Page 3, line 2:

Delete "March 31, 1980"  
Insert "February 29, 1980"

Concurring: Meekins (Chairman), Freeman, Montgomery, Haugen, Schaeffer, Moss, Rogers and McKinnon.

HB 195 was referred to the Rules Committee for placement on the calendar.

The Finance Committee has had HOUSE BILL NO. 196 (making a special appropriation to the Judicial Council; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Meekins (Chairman), Freeman, Schaeffer, Moss, Rogers, McKinnon and Duncan. Not concurring: Montgomery and Haugen have no recommendation. HB  
196

HB 196 was referred to the Rules Committee for placement on the calendar.

The State Affairs Committee has had HOUSE BILL NO. 207 (relating to transportation of employees) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Eliason, Metcalfe, Gardiner, Parker, Martin and Fuller. HB  
207

HB 207 was referred to the Rules Committee for placement on the calendar.

The Resources Committee has had HOUSE BILL NO. 232 (relating to the leasing and exploration of state land for oil and gas development; effective date) under consideration and a majority of the committee recommends it do pass: Concurring: Miles (Co-Chairman), Osterback (Co-Chairman), Chatterton, Zharoff and Fuller. Not concurring: Cotton and Carney have no recommendation. HB  
232

HB 232 was referred to the Rules Committee for placement on the calendar.

The Health, Education and Social Services Committee has had HOUSE BILL NO. 233 (supplemental appropriation to the University of Alaska for laboratory equipment on the Anchorage campus; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Munson (Vice Chairman), Barnes, Miles, Beirne and Chatterton. HB  
233

HB 233 was referred to the Finance Committee.

The Resources Committee has had HOUSE BILL NO. 237 (supplemental appropriation to the Department of Natural Resources for the Iditarod Trail Race; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Miles (Co-Chairman), Osterback (Co-Chairman), Chatterton, Cotton, Fuller, Zharoff and Carney. HB  
237

HB 237 was referred to the Finance Committee.

HB 239 The Finance Committee has had HOUSE BILL NO. 239 (special appropriation to the Legislative Affairs Agency for a gas liquids line feasibility study and an instate royalty gas and gas liquids line feasibility study; effective date) under consideration and a majority of the committee recommends it be replaced with the Resources COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 239 (same title) and that it do pass. Concurring: Meekins (Chairman), Freeman, Montgomery, Haugen, Schaeffer, Moss, Rogers, Duncan and McKinnon.

HB 239 was referred to the Rules Committee for placement on the calendar.

HB 261 The Judiciary Committee has had HOUSE BILL NO. 261 (supplemental appropriation to the Department of Law for a training program on the revised criminal code; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Parr (Chairman), Phillips, Martin, Anderson and Malone. Not concurring: Barnes recommends do pass if amended.

HB 261 was referred to the Finance Committee.

HB 262 The Judiciary Committee has had HOUSE BILL NO. 262 (special appropriation to the Department of Law for a training program on the revised criminal code; effective date) under consideration and a majority of the committee recommends it do pass with:

Amendment No. 1 by the Judiciary Committee

Page 1, line 10: Delete "\$85,635" and insert "\$126,235"

Concurring: Parr (Chairman), Phillips, Martin, Anderson, Barnes and Malone.

HB 262 was referred to the Finance Committee.

The Judiciary Committee's letter of intent for HB 262 appears as follows:

March 2, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

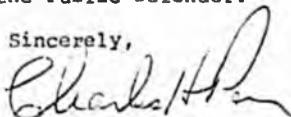
Dear Mr. Speaker:

It is the intent of the House Judiciary Committee that under House Bill 262 first priority be given to the training of police officers and village magistrates, second priority to the training of district attorneys and public defenders. Training of judges and members of the private bar has the lowest priority.

HB  
262

The committee recommends that the Finance Committee seek testimony from the office of the Public Defender.

Sincerely,



Charles H. Parr  
Chairman

INTRODUCTION, FIRST READING AND REFERENCE  
OF HOUSE RESOLUTIONS

HOUSE JOINT RESOLUTION NO. 26 by Munson, Branson and Martin:

HJR  
26

Proposing an amendment to the Constitution of the State of Alaska providing for biennial budgeting for operating expenditures.

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

HOUSE JOINT RESOLUTION NO. 27 by Malone, Halford, Martin, O'Connell, Osterback and Rogers:

HJR  
27

Requesting the exclusion of Alaska from federal gun control legislation.

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

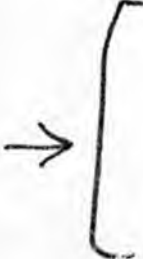
INTRODUCTION, FIRST READING AND REFERENCE  
OF HOUSE BILLS

HOUSE BILL NO. 332 by Carney, entitled:

HB  
332

"An Act making a special appropriation to the Department of Community and Regional Affairs for grants to the cities of Palmer and Wasilla; and providing for an effective date."

was read the first time and referred to the Community and Regional Affairs Committee and the Finance Committee.



HB HOUSE BILL NO. 333 by Schaeffer, entitled:  
333

"An Act relating to the public school foundation program; to educational assessments of children; to correspondence study; and providing for an effective date."

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

HB HOUSE BILL NO. 334 by Hayes, entitled:  
334

"An Act relating to the foreclosure of encumbrances on real property."

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

HB HOUSE BILL NO. 335 by Fuller, entitled:  
335

"An Act making a special appropriation to the Department of Fish and Game for a hatchery feasibility study on the Seward Peninsula; and providing for an effective date."

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

HB HOUSE BILL NO. 336 by Fuller, entitled:  
336

"An Act making a special appropriation to the Alaska Commercial Fisheries Entry Commission for a study of limited entry on the Seward Peninsula; and providing for an effective date."

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

HB HOUSE BILL NO. 337 by Fuller, entitled:  
337

"An Act making a special appropriation to the Department of Education to reimburse Kawerak, Inc. for utility payments to the Nome Public Schools; and providing for an effective date."

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

HB HOUSE BILL NO. 338 by the Special Subsistence Committee,  
338 entitled:

"An Act making a special appropriation to the University of Alaska for walrus and whale management and research; and providing for an effective date."

was read the first time and referred to the Special Subsis- HB  
tence Committee and the Resources and Finance Committees. 338

HOUSE BILL NO. 339 by the Rules Committee by request of HB  
the Governor, entitled: 339

"An Act making a supplemental appropriation  
to the Department of Health and Social Services,  
Division of Social Services; and providing for  
an effective date."

was read the first time and referred to the Health, Educa-  
tion and Social Services and Finance Committees.

The Governor's transmittal letter follows:

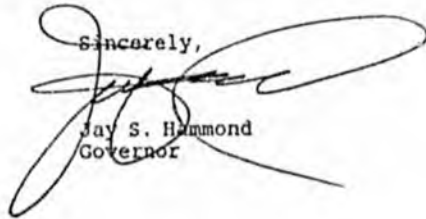
March 5, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska  
Constitution, I am transmitting a bill making a  
supplemental appropriation to the Department of Health  
and Social Services, Division of Social Services, for the  
purpose of replacing a shortfall in federal dollars  
during FY 78 in the program services BRU of that  
division.

Sincerely,



Jay S. Hammond  
Governor

HOUSE BILL NO. 340 by Gardiner, entitled: HB  
340

"An Act relating to fisheries business licenses."

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

CONSIDERATION OF THE DAILY CALENDARSECOND READING OF HOUSE RESOLUTIONS

HJR HOUSE JOINT RESOLUTION NO. 21 (relating to the Northwest  
21 Alaskan Pipeline Company) was read the second time with the  
Resources Committee report (page 426 of the journal).

CS Mr. Anderson moved and asked unanimous consent that  
HJR the COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION  
21 NO. 21 (same title) be adopted in lieu of HJR 21. There  
being no objection, it was so ordered.

Mr. Anderson moved and asked unanimous consent that  
CSHJR 21 be considered engrossed, advanced to third  
reading and placed on final passage. There being  
no objection, it was so ordered.

CSHJR 21 was read the third time.

The question being: "Shall CSHJR 21 pass the House?"  
The roll was taken with the following result:

Yeas: 35 Anderson, Beirne, Bettisworth,  
Branson, Brown, Carney, Chatterton,  
Cotten, Duncar, Eliason, Freeman,  
Fuller, Gardiner, Guy, Halford  
Haugen, Hayes, Hurlbert, Malone,  
Martin, Metcalfe, Miles, Miller,  
Montgomery, Moss, Munson,  
O'Connell, Osterback, Parker,  
Parr, Phillips, Rogers, Schaeffer,  
Smith, Zharoff.

Nays: 2 Barnes, Meeklus.

Excused: 3 Buchholdt, McKinnon, Randolph.

And so, CSHJR 21 passed the House.

Mr. Malone gave notice of reconsideration of his vote  
on CSHJR 21 and moved and asked unanimous consent  
that reconsideration be brought up at this time.

Mr. Freeman objected. Mr. Freeman withdrew his objection.  
There being no further objection, Mr. Malone's reconside-  
ration was brought up at this time.

THIRD READING OF HOUSE RESOLUTIONS

CS CSHJR 21 was automatically before the House in third  
HJR reading at this time and was read the third time.  
21

The question to be reconsidered is: "Shall CSHJR 21 pass the House?" The roll was taken with the following result:

CS  
HJR  
21

Yeas: 31 Anderson, Beirne, Bettisworth,  
Branson, Brown, Carney, Chatterton,  
Cotten, Duncan, Eliason, Fuller,  
Gardiner, Guy, Halford, Haugen,  
Hayes, Hurlbert, Martin, Metcalfe,  
Miles, Miller, Montgomery, Moss,  
Munson, O'Connell, Osterback,  
Parker, Parr, Phillips, Smith,  
Zharoff.

Nays: 5 Barnes, Freeman, Malone, Meekins,  
Rogers.

Excused: 3 Buchholdt, McKinnon, Randolph.

Absent: 1 Schaeffer.

And so, CSHJR 21 passed the House on reconsideration of the vote.

CSHJR 21 was referred to the Chief Clerk for engrossment.

#### LEGISLATIVE CITATIONS

Representative Duncan moved and asked unanimous consent that Representative Miller be added as a co-sponsor on the Citation in memory of Harvey Summers. There being no objection it was so ordered.

Representative Duncan moved and asked unanimous consent that the House approve the Citation in memory of Harvey Summers and that it be read in its entirety. There being no objection, it was so ordered.

The Citation was referred to the Chief Clerk for transmittal to the Senate.

Representative Brown moved and asked unanimous consent that all members of the House be shown as sponsors on the Citation in memory of Grant H. Pearson. There being no objection, it was so ordered.

Representative Brown moved and asked unanimous consent that the House approve the Citation in memory of Grant H. Pearson. There being no objection, it was so ordered.

The Citation was referred to the Chief Clerk for transmittal to the Senate.

UNFINISHED BUSINESS

Mr. Anderson moved and asked unanimous consent that Representative Meekins be excused from a call of the House on March 12. There being no objection, it was so ordered.

ENGROSSMENT

The following was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

CSJR  
21

CSHJR 21

ANNOUNCEMENTS

HESS HB 255,121,200	Capitol 112	1:00 p.m., 3/5
Finance Health & Social Services Budget	Capitol 411	1:30 p.m., 3/5
State Affairs Confirmation Hearing: DOTPF Commissioner Bob Ward; HB 267	Capitol 123-A	1:30 p.m., 3/5
Judiciary HJR 22 Teleconference: w/ Juneau w/ Anchorage w/ Fairbanks	Capitol 124	3:00 p.m., 3/5 3:30 p.m., 3/5 4:45 p.m., 3/5
Resources SB 63,SJR 6 SSHB 33	Capitol 118	3:00 p.m., 3/5 7:00 p.m., 3/5
Teleconference on Susitna Hydro- electric	Assembly 207	3:00 p.m., 3/7
FCC on SCS CSHB 94(Fin) & CSHB 94aa	Capitol 411	4:30 p.m., 3/5
Commerce No meeting this after- noon or tomorrow a.m.		3/5 3/6

Labor & Management  
HB 316,214

Court 628

8:30 a.m., 3/6

Joint Session w/Chief  
Justice Rabinowitz,  
State of Judiciary  
Message

House Chamber

11.00 a.m., 2/6

Special Permanent  
Fund Committee  
Permanent Fund Pro-  
jections

Court 628

4:30 p.m., 2/6

ADJOURNMENT

Mr. Anderson moved and asked unanimous consent that the House adjourn until 10:00 a.m., March 6, 1979. There being no objection, the House adjourned at 11:00 a.m.

Irene Cashen  
Chief Clerk

# HOUSE JOURNAL

## ALASKA STATE LEGISLATURE

### ELEVENTH LEGISLATURE - FIRST SESSION

JUNEAU, ALASKA

Tuesday

February 20, 1979

#### Thirty-seventh Day

Pursuant to adjournment, the House was called to order by Speaker Gardiner at 10:11 a.m.

The roll call showed all members present except Representatives Eliason and Smith.

Representatives Eliason and Smith had previously been excused from a call of the House.

The prayer was offered by the Chaplain, Lieutenant Floyd Bacon of the Salvation Army.

Mr. Anderson moved and asked unanimous consent that the journal for the 36th day and House Journal Supplement No. 14 be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

#### REPORTS OF STANDING COMMITTEES

The Resources Committee has had HOUSE CONCURRENT RESOLUTION HCR NO. 3 (relating to enforcement of the Antiquities Act) 3 under consideration and a majority of the committee recommends it do pass. Concurring: Miles (Co-Chairman), Osterback (Co-Chairman), Carney, Cotten, Fuller, Zharofi and Halford. Not concurring: Chatterton recommends do not pass.

HCR 3 was referred to the Rules Committee for placement on the calendar.

The Judiciary Committee has had HOUSE BILL NO. 47 (relating HB to the sale of alcoholic beverages; effective date) with 47 amendments (page 211 of the Journal) under consideration a second time and a majority of the committee recommends

HB 47 it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 47 (same title) and that it do pass. Concurring: Parr (Chairman), Phillips, Buchholdt, Anderson and Malone. Not concurring: O'Connell, Martin and Barnes recommend do pass if amended.

HB 47 was referred to the Rules Committee for placement on the calendar.

HB 84 The State Affairs Committee has had HOUSE BILL NO. 84 (relating to the refund of the unused balance of personal leave upon termination from state employment) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Martin, Metcalfe, Parker, Fuller and Gardiner.

The Chairman's report on HB 84 was received and printed on page 305 of the journal.

HB 84 was referred to the Finance Committee.

HB 85 The Judiciary Committee has had HOUSE BILL NO. 85 (relating to bar examination review procedures; and amending Alaska Bar Rule 7, Section 1) under consideration and a majority of the committee recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 85 (same title) and that it do pass. Concurring: Parr (Chairman), Phillips, Martin, Buchholdt, O'Connell, Barnes, Anderson and Malone.

HB 85 was referred to the Rules Committee for placement on the calendar.

HB 124 The State Affairs Committee has had HOUSE BILL NO. 124 (making a special appropriation to the Department of Transportation and Public Facilities to remodel the ferry terminal at Kake to accommodate mainline ferries; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Fuller, Martin, Gardiner and Parker. Not concurring: Metcalfe has no recommendation.

HB 124 was referred to the Finance Committee.

HB 190 The State Affairs Committee has had HOUSE BILL NO. 190 (making a special appropriation to the City of Nome; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Martin, Fuller, Gardiner and Parker. Not concurring: Metcalfe has no recommendation.

HB 190 was referred to the Finance Committee.

The State Affairs Committee has had HOUSE BILL NO. 191 (making a special appropriation to the Department of Transportation and Public Facilities for the Nome-Beltz Road; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Martin, Gardiner, Parker and Fuller. Not concurring: Metcalfe has no recommendation. HB 191

HB 191 was referred to the Finance Committee.

→ The State Affairs Committee has had HOUSE BILL NO. 197 (making a special appropriation to the Department of Transportation and Public Facilities to repay the City of Kodiak for the costs incurred in rebuilding the Monashka dam; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Gardiner, Parker and Fuller. Not concurring: Martin and Metcalfe have no recommendation. HB 197

HB 197 was referred to the Finance Committee.

#### REPORTS OF SPECIAL COMMITTEES

The Special Subsistence Committee has had HOUSE BILL NO. 199 (establishing a division of subsistence hunting and fishing) under consideration and a majority of the committee recommends it do pass. Concurring: Fuller (Chairman), Zharoff, Hayes and Anderson. Not concurring: Halford recommends do not pass. HB 199

HB 199 was referred to the Resources Committee.

The Free Conference Committee which has had SENATE JOINT RESOLUTION NO. 13 amended (encouraging the Alaska Congressional delegation to work together to resolve the problems created by the President's imposition of the Antiquities Act on lands in Alaska) and HOUSE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 13 amended House (enunciating the position of the Alaska State Legislature with respect to national interest lands in Alaska) under consideration, recommends that HCS SJR 13amH

FREE CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE JOINT RESOLUTION NO. 13  
(enunciating the position of the  
Alaska State Legislature with respect  
to national interest lands in Alaska)

be adopted.

The report was signed by Senators Tillion (Chairman) and Ziegler; Senator Rodey signed do not concur; and by Representatives Miles (Chairman), Fuller and Hayes.

HCS The Free Conference Committee Report on SJR 13 am and  
SJR HCS SJR 13amH will be taken up under Unfinished Business.  
13amH

INTRODUCTION, FIRST READING AND REFERENCE  
OF HOUSE RESOLUTIONS

HJR HOUSE JOINT RESOLUTION NO. 22 by Anderson by Request:  
22

Requesting the federal grand jury to  
hear charges and complaints against  
the Secretary of the Interior and  
other Interior Department officials.

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

INTRODUCTION, FIRST READING AND REFERENCE  
OF HOUSE BILLS

SSHB SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 30 by Gardiner,  
30 entitled:

"An Act relating to the Commercial  
Fishing and Agriculture Bank."

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

HB HOUSE BILL NO. 250 by McKinnon, entitled:  
250

"An Act removing the exemption of banks  
and financial institutions from the  
state antitrust law."

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

HB HOUSE BILL NO. 251 by McKinnon, entitled:  
251

"An Act relating to the Alaska  
essential property insurance inspec-  
tion and placement program; and  
providing for an effective date."

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

HOUSE BILL NO. 252 by Parker, entitled:

"An Act relating to the qualifications and selection of jurors."

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

HB  
252

HOUSE BILL NO. 253 by O'Connell, entitled:

"An Act permitting practicing pharmacists to claim exemption from jury service."

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

HB  
253

HOUSE BILL NO. 254 by Fuller, entitled:

"An Act relating to Alaska National Guard retirement; and providing for an effective date."

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

HB  
254

HOUSE BILL NO. 255 by Rogers, Beirne, Bettisworth, Buchholdt, Duncan, Freeman, Fuller, Gardiner, Haugen, McKinnon, Malone, Meekins, Metcalfe, Miller, Moss, Parker, Randolph and Zharoff, entitled:

"An Act relating to the sale of food from self-service bins."

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

HB  
255

HOUSE BILL NO. 256 by the Rules Committee by Request of the Governor, entitled:

"An Act relating to the transporter law; and providing for an effective date."

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

HB  
256

There is a zero fiscal note on HB 256.

The Governor's transmittal letter follows:

February 20, 1979

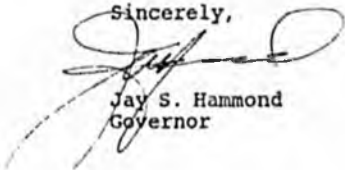
HB The Honorable Terry Gardiner  
256 Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the provisions of art. III, sec. 18 of the Alaska Constitution, I am forwarding a bill to amend certain portions of chapter 106, SLA 1976, the transporter law. My amendment is directed at removing the requirement for guides, air taxi operators and other transporters to furnish a report to the Department of Fish and Game and the Department of Public Safety giving details of persons and game transported.

It has become apparent that the reporting requirement does not serve the purpose that was intended when the measure was enacted and, therefore, it is advisable to remove an unnecessary administrative burden from those affected.

Sincerely,



Jay S. Hammond  
Governor

HB HOUSE BILL NO. 257 by Miles, entitled:  
257

"An Act relating to mo-peds."

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

HB HOUSE BILL NO. 258 by the Resources Committee by Request,  
258 entitled:

"An Act repealing the restriction of grounds upon which a mobile home park operator may evict a mobile home park dweller."

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

HOUSE BILL NO. 259 by Osterback, entitled:

HB  
259

"An Act relating to permissible gear for taking scallops."

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

HOUSE BILL NO. 260 by Duncan, Cotten, Malone, Meekins, Miller, Parker, Rogers and Gardiner, entitled:

HB  
260

"An Act relating to the participation of legislators in state retirement systems; and providing for an effective date."

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

#### CONSIDERATION OF THE DAILY CALENDAR

#### SECOND READING OF HOUSE BILLS

Mr. Anderson moved and asked unanimous consent that HOUSE BILL NO. 55 (relating to an employee suggestion award system; effective date) be taken from today's calendar and returned to the Rules Committee. There being no objection, it was so ordered.

HB  
55

HOUSE BILL NO. 102 (relating to rights in works of fine art) was read the second time with the State Affairs Committee report (page 203 of the journal).

HB  
102

Mr. Anderson moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 102 (same title) be adopted in lieu of HB 102. There being no objection, it was so ordered.

CS  
HB  
102

Mr. Anderson moved and asked unanimous consent that CSHB 102 be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 102 was read the third time.

CS The question being: "Shall CSHB 102 pass the House?"  
 HB The roll call was taken with the following result:  
 102

Yeas: 38 Anderson, Barnes, Beirne, Bettisworth,  
 Branson, Brown, Buchholdt, Carney,  
 Chatterton, Cotten, Duncan, Freeman,  
 Fuller, Gardiner, Guy, Halford  
 Haugen, Hayes, Hurlbert, McKinnon,  
 Malone, Martin, Meekins, Metcalfe,  
 Miles, Miller, Montgomery, Moss,  
 Munson, O'Connell, Osterback,  
 Parker, Parr, Phillips, Randolph,  
 Rogers, Schaeffer, Zharoff.

Nays: 0

Excused: 2 Eliason, Smith.

And so, CSHB 102 passed the House.

CSHB 102 was referred to the Chief Clerk for engrossment.

#### SECOND READING OF HOUSE RESOLUTIONS

HCR  
7

Mr. Anderson moved and asked unanimous consent that HCR 7 (relating to an annexation of territory to the City of Kodiak) be moved to the bottom of today's calendar. There being no objection, it was so ordered.

HJR  
10

HOUSE JOINT RESOLUTION NO. 10 (relating to Local Boundary Commission Recommendation I of January 23, 1979 for annexation of territory to the City of Kodiak) was read the second time with the Community and Regional Affairs Committee report (page 304 of the journal).

Mr. Anderson moved and asked unanimous consent that HJR 10 be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

HJR 10 was read the third time.

The question being: "Shall HJR 10 pass the House?" The roll was taken with the following result:

Yeas: 38 Anderson, Barnes, Beirne, Bettisworth,  
 Branson, Brown, Buchholdt, Carney,  
 Chatterton, Cotten, Duncan, Freeman,  
 Fuller, Gardiner, Guy, Halford, Haugen,  
 Hayes, Hurlbert, McKinnon, Malone,  
 Martin, Meekins, Metcalfe, Miles,  
 Miller, Montgomery, Moss, Munson,  
 O'Connell, Osterback, Parker, Parr,  
 Phillips, Randolph, Rogers, Schaeffer,  
 Zharoff.

Nays: 0

Excused: 2 Eliason, Smith.

*File of Kodiak  
Amendment*

February 20, 1979

HOUSE JOURNAL

27

And so, HJR 10 passed the House.

HJR  
10

HJR 10 was referred to the Chief Clerk for engrossment.

HOUSE CONCURRENT RESOLUTION NO. 7 (relating to an annexation of territory to the City of Kodiak) was read the second time with the Community and Regional Affairs Committee report (page 307 of the journal).

HCR  
7

Amendment No. 1 by Parker:

Page 1, line 21: after "adequate"  
insert "municipal services"

Mr. Parker moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, Amendment No. 1 was adopted.

HCR  
7am

The question being: "Shall HCR 7am pass the House?" On voice vote, HCR 7am passed the House unanimously.

HCR 7am was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

The Free Conference Committee report on SJR 13am and HCS SJR 13amH (p. 321 of the journal) was before the House.

HCS  
SJR  
13amH

Mr. Anderson moved that the FCC report on the above resolutions be adopted.

The question being: "Shall the FCC report on the above resolutions be adopted?" The roll was taken with the following result:

Yeas: 36 Anderson, Barnes, Beirne, Bettisworth, Branson, Brown, Buchholdt, Carney, Chatterton, Cotten, Duncan, Freeman, Fuller, Gardiner, Guy, Halford, Hayes, Hurlbert, McKinnon, Malone, Martin, Meekins, Metcalfe, Miles, Montgomery, Moss, Munson, O'Connell, Osterback, Parker, Parr, Phillips, Randolph, Rogers, Schaeffer, Zharoff.

Nays: 1 Miller.

Excused: 2 Eliason, Smith.

Absent: 1 Haugen.

And so, the House adopted the report, thus adopting FCCS SJR 13 (enunciating the position of the Alaska State Legislature with respect to national interest lands in Alaska).

FCCS  
SJR  
13

The Chief Clerk was instructed to so notify the Senate.

The Speaker announced the receipt of the following Sunset Audit Report from the Division of Legislative Audit:

A Performance Review of the Alcoholic Beverage Control Board dated November 3, 1978.

The above report was referred to the Commerce Committee.

HB 242 The Speaker announced that HOUSE BILL NO. 242 (relating to public employment; effective date) will have a further referral to the State Affairs Committee.

#### ENGROSSMENT

The following were engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration:

HCR		
7am	HCR	7 amended
HJR		
10	HJR	10
CSHB		
102	CSHB	102

#### ANNOUNCEMENTS

HESB			
HB 226,228	Capitol 112		1:00 p.m., 2/20
Commerce			
Sunset review -			
Alaska State			
Medical Board	Assembly 207		1:15 p.m., 2/20
Board of Pharmacy -			
Sunset review			8:00 a.m., 2/21
Board of Examiners			
in Optometry - Sun-			
set review, to be			
teleconferenced			
w/Anchorage, Fairbanks			1:15 p.m., 2/21

Finance		
Fish & Game Budget	Capitol 411	1:30 p.m., 2/20
Judiciary		
HB 75	Capitol 124	3:00 p.m., 2/20
HB 75 - Teleconfer-		
ence w/Ketchikan		7:00 p.m., 2/20
Resources		
HB 49,229,159	Capitol 118	3:00 p.m., 2/20
C&RA		
Revenue-sharing		
Budget	Court 628	8:30 a.m., 2/21
OGIG Delegation		
Luncheon	Baranof	Noon, 2/20

ADJOURNMENT

Mr. Anderson moved and asked unanimous consent that the House adjourn until 10:00 a.m., February 21, 1979. There being no objection, the House adjourned at 11:20 a.m.

Irene Cashen  
Chief Clerk

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### ELEVENTH LEGISLATURE - FIRST SESSION

---

JUNEAU, ALASKA

Wednesday

February 21, 1979

---

#### Thirty-eighth Day

Pursuant to adjournment, the Senate was called to order by President Tillion at 10:05 a.m.

The roll call showed seventeen members present. Senators Mulcahy, Stimson and Sumner were excused from a call of the Senate.

The prayer was offered by the Chaplain, Reverend Curtis McClain of the Glacier Valley Baptist Church.

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

#### MESSAGES FROM THE HOUSE

Message of February 20 was read stating the House has adopted the report of the Free Conference Committee which has had SENATE JOINT RESOLUTION NO. 13 amended (encouraging the Alaska Congressional delegation to work together to resolve the problems created by the President's imposition of the Antiquities Act on lands in Alaska) and HOUSE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 13 amended House (enunciating the position of the Alaska State Legislature with respect to national interest lands in Alaska), thus adopting:

FCCS  
SJR 13

FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 13 (enunciating the position of the Alaska State Legislature with respect to national interest lands in Alaska).

FCMS The Senate adopted the Free Conference Committee report  
SJM on February 20.  
13

FREE CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE JOINT  
RESOLUTION NO. 13 was referred to the Secretary for  
engrossment and enrollment.

Message of February 20 was read stating the House has  
passed the following:

INTRODUCTION AND REFERENCE OF HOUSE RESOLUTIONS

HCR HOUSE CONCURRENT RESOLUTION NO. 7 amended, by the Community  
7 and Regional Affairs Committee,  
am Relating to an annexation of territory  
to the City of Kodiak,

was read the first time and referred to the Community and  
Regional Affairs Committee.

HJR HOUSE JOINT RESOLUTION NO. 10 by Representative Zharoff,  
10 Relating to Local Boundary Commission  
Recommendation I of January 23, 1979  
for annexation of territory to the City  
of Kodiak,

was read the first time and referred to the Community and  
Regional Affairs Committee.

INTRODUCTION AND REFERENCE OF HOUSE BILLS

CSHB COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 102 by the State  
102 Affairs Committee, entitled:

"An Act relating to rights in works of  
fine art."

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

STANDING COMMITTEE REPORTS

The Finance Committee has had SENATE JOINT RESOLUTION NO. 6 SJR (relating to the Alaska Power Authority, the Phase I environmental economic, social and engineering studies of the Susitna Hydroelectric Project, and the incurring of indebtedness for Phase I) under consideration and a majority of the committee recommends it do pass. The report was signed by Senator Sackett, Chairman, and concurred in by Senators Bennett, Hackney and Dankworth. Senators Hohmar and Ray signed "no recommendation".

SENATE JOINT RESOLUTION NO. 6 was referred to the Rules Committee.

The Commerce Committee has had SENATE JOINT RESOLUTION NO. 18 (urging passage of a bill in Congress to amend the Shipping Act, 1916) under consideration and a majority of the committee recommends it do pass. The report was signed by Senator Bradley, Chairman, and concurred in by Senators Sturgulewski, Kelly and Stimson. Senator Ferguson signed "no recommendation". SJR 18

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

The Community and Regional Affairs Committee has had SENATE BILL NO. 6 (special appropriation to the Department of Community and Regional Affairs for purchase of public works equipment for Craig and Klawock) under consideration and the committee recommends it do pass. The report was signed by Senator Sturgulewski, Chairman, and concurred in by Senators Stimson, Rodey and Kelly. SB 6

SENATE BILL NO. 6 was referred to the Finance Committee.

The Judiciary Committee has had SENATE BILL NO. 56 (effect of homicide under the Uniform Probate Code) under consideration and the committee recommends it do pass. The report was signed by Senator Ziegler, Chairman, and concurred in by Senators Ray, Meland, Bennett and Dankworth. SB 56

SENATE BILL NO. 56 was referred to the Rules Committee.

SB  
63 The Finance Committee has had SENATE BILL NO. 63 (special appropriation to the Alaska Power Authority for the Susitna Hydroelectric Project) under consideration and a majority of the committee recommends it do pass. The report was signed by Senator Sackett, Chairman, and concurred in by Senators Bennett, Hackney and Dankworth. Senators Hohman and Ray signed "no recommendation".

SENATE BILL NO. 63 was referred to the Rules Committee.

SB  
70 The Judiciary Committee has had SENATE BILL NO. 70 (relating to volunteer service in state government) under consideration and the committee reports it back "without recommendation, but that it be further referred to the Finance Committee". The report was signed by Senator Ziegler, Chairman, and concurred in by Senators Ray, Meland, Bennett and Dankworth.

SENATE BILL NO. 70 was referred to the Finance Committee.

SB  
125 The Commerce Committee has had SENATE BILL NO. 125 (special appropriation for operating expenses of radio station KYUK, Bethel) under consideration and a majority of the committee recommends it do pass. The report was signed by Senator Bradley, Chairman, and concurred in by Senators Sturgulewski, Kelly and Stimson. Senator Ferguson signed "no recommendation".

SENATE BILL NO. 125 was referred to the Finance Committee.

SB  
165 The Commerce Committee has had SENATE BILL NO. 165 (special appropriation to mortgage insurance fund of the Alaska Housing Finance Corporation) under consideration and a majority of the committee recommends it do pass. The report was signed by Senator Bradley, Chairman, and concurred in by Senators Kelly and Stimson. Senator Sturgulewski signed "do pass with amendments" and Senator Ferguson signed "no recommendation".

SENATE BILL NO. 165 was referred to the Finance Committee.

CONSIDERATION OF THE CALENDARSECOND READING OF SENATE BILLS

SENATE BILL NO. 101 (relating to the disciplining of a licensed guide) was read the second time.

SB  
101

Senator Ziegler moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 277. Without objection, COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101 was adopted.

CS  
SB  
101

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101 was read the second time.

Senators Rodey and Bradley offered the following amendment No. 1:

Page 1, lines 6 and 7: delete "the disciplining of a licensed guide" and insert "licensed guides"

Page 1, line 10: add a new Section 1.

\*Section 1. AS 08.54.144(c) is amended to read:

(c) Master guides, registered guides, class-A assistant guides or assistant guides are exempted from the license requirements for transporters under this chapter and may not be required to be certified as air taxi operators under AS 02.05.040 for transporting activities incidental to their activities as guides. Master guides, registered guides, class-A assistant guides or assistant guides [BUT] shall comply with the reporting provisions as prescribed in AS 02.05.170(f).

renumber sections accordingly

Senator Rodey moved and asked unanimous consent for the adoption of amendment No. 1. Senator Sackett objected.

Senator Rodey moved and asked unanimous consent that amendment No. 1 be withdrawn. Without objection, it was so ordered.

CS Senator Colletta moved and asked unanimous consent that  
 SB the Rules be suspended and COMMITTEE SUBSTITUTE FOR SENATE  
 101 BILL NO. 101 be considered engrossed, advanced to third  
 reading and placed on final passage. Senator Ray objected,  
 then withdrew his objection. There being no further  
 objection, the bill was advanced to third reading.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101 was read the  
 third time.

The question being: "Shall COMMITTEE SUBSTITUTE FOR SENATE  
 BILL NO. 101 (relating to the disciplining of a licensed  
 guide) pass the Senate?" The roll was taken with the  
 following result:

Yeas:	15	Bennett, Bradley, Colletta, Dankworth, Fahrenkamp, Hackney, Hohman, Kelly, Kerttula, Meland, Ray, Rodey, Sturgulewski, Tillion, Ziegler
Nays:	2	Ferguson, Sackett
Excused:	3	Mulcahy, Stimson, Sumner

and so, COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101 passed  
 the Senate.

Senator Rodey gave notice of reconsideration on COMMITTEE  
 SUBSTITUTE FOR SENATE BILL NO. 101.

#### SECOND READING OF SENATE RESOLUTIONS

SJR SENATE JOINT RESOLUTION NO. 7 (expressing disappointment in  
 7 and disapproval of President Carter's recent withdrawal of  
 Alaska land under the Antiquities Act) was read the second  
 time.

Senator Colletta moved and asked unanimous consent that  
 the Rules be suspended and SENATE JOINT RESOLUTION NO. 7  
 be considered engrossed, advanced to third reading and  
 placed on final passage. Without objection, it was so  
 ordered.

SENATE JOINT RESOLUTION NO. 7 was read the third time.

SJR  
7

The question being: "Shall SENATE JOINT RESOLUTION NO. 7 (expressing disappointment in and disapproval of President Carter's recent withdrawal of Alaska land under the Antiquities Act) pass the Senate?" The roll was taken with the following result:

Yeas:	16	Bennett, Bradley, Colletta, Dankworth, Fahrenkamp, Hackney, Hohman, Kelly, Kerttula, Meland, Ray, Rodey, Sackett, Sturgulewski, Tillion, Ziegler
Nays:	1	Ferguson
Excused:	3	Mulcahy, Stimson, Sumner

Senator Ferguson changed his yea vote to nay.

and so, SENATE JOINT RESOLUTION NO. 7 passed the Senate.

Senator Ferguson gave notice of reconsideration on SENATE JOINT RESOLUTION NO. 7

SENATE RESOLUTION NO. 4 (objecting to the termination of the Mutual Defense Treaty with the Republic of China) was read the second time.

SR  
4

Senator Colletta moved and asked unanimous consent that SENATE RESOLUTION NO. 4 be returned to the Rules Committee to be calendared to a time certain. Without objection, it was so ordered.

#### UNFINISHED BUSINESS

President Tillion stated that the following bills and resolution would have a further referral to the Finance Committee:

SENATE BILL NO. 114 (relating to competitive bidding under the Fiscal Procedures Act)	SB 114
SENATE BILL NO. 121 (providing for the certification to compliance with minimum standards of companies engaged in welding)	SB 121

SB           SENATE BILL NO. 135 (relating to private employ-  
135           ment agencies)

SB           SENATE BILL NO. 223 (relating to homestead  
223           entry)

SCR          SENATE CONCURRENT RESOLUTION NO. 18 (state  
18           loan programs)

ANNOUNCEMENTS

State Affairs SCR 3, SCR 11 SB 3, SCR 2, SJR 23	Beltz Room Room 209, Capitol	3:30 p.m., 2/21
HESS SB 80, SB 90, SB 222, SB 163 & Board of Pharmacy - Sunset Reports	Butrovich Room Room 207, Capitol	3:30 p.m., 2/21
Finance	Room 423, Capitol	9:00 a.m., 2/22
→ CGRA SB 2 Litter Bill	Butrovich Room Room 207, Capitol	1:30 p.m., 2/22
Commerce Hearing/Alaska Transportation Commission	Beltz Room Room 209, Capitol	3:00 p.m., 2/22
HESS SB 33, SB 142 SB 143	Butrovich Room Room 207, Capitol	3:30 p.m., 2/23

ADJOURNMENT

Senator Colletta moved and asked unanimous consent that the Senate adjourn until 10:00 a.m., February 22. Without objection, the Senate adjourned at 10:40 a.m.

Peggy Mulligan  
Senate Secretary

February     1979

# Committee Log Book - 1979

Tape Number 1

SENATE C/RA  
Committee

Side Number 1

Dates 2/22/79 to \_\_\_\_\_

## Bill Numbers Discussed

HJR 10	HCR 7, am	SB 2						
--------	-----------	------	--	--	--	--	--	--

Date & Time	Tape Meter Number	Bill	Significant Information (Witness, Action)
2/22/79 1:33	0002		Chairman Sturgulewski called Hearing to order.
	0019	HJR 10	(Senators Mulcahy & Stimson Absent)
	0019	HCR 7, am.	COMMITTEE "DO PASS"
	26	SB 2	Chairman Sturgulewski
	32		Sen. Kelly, Motion for CS
	37		Chairman Sturgulewski
	40		Recess/CS handouts given audience
	41		Chairman - call back to order.
	79		Senator Colletta, Sponsor
	157		Sen. Sturgulewski
	160		Commissioner McAnerney, Dept. C/RA (from audience)
	166		Eric Lee, Director, Div. Community & Rural Dev.)
	182		Chairman Sturgulewski
	186		Eric Lee
	270		Sen. Rodey
	278		Mr. Lee
	294		Sen. Rodey
	303		Chairman Sturgulewski
	313		Mr. Lee
	316		Sen. Rodey
	317		Mr. Lee
	318		Chairman Sturgulewski
	320		Mr. Lee
	334		Sen. Kelly
	337		Mr. Lee
	341		Chairman Sturgulewski
	343		Mr. Lee
	392		Christine Foster
	394		Virginia del Piaz
	401		Ms. del Piaz
	504		Chairman Sturgulewski
	505		Senator Kelly

506 Ms. Piaz	970 Mr. Murphy (from audience)
511 Chairman Sturgulewski	971 Mr. Dickey
513 Sen. Colletta	981 Sen. Kelly
546 Chairman Sturgulewski	983 Mr. Dickey
547 Sen. Rodey	990 Sen. Sturgulewski
559 Sen. Colletta	997 Mr. Dickey
567 Sen. Rodey	999 RECESS
582 Sen. Colletta	3:30 Meeting called to order
598 Sen. Rodey	1002 Commissioner Ernie Mueller (Dept. of Environmental Conservation) Plus Jon Tillinghast, from Dept.
599 Sen. Colletta	13 Mr. Tillinghast
607 Sen. Rodey	23 Sen. Sturgulewski
611 Sen. Sturgulewski	27 Commissioner Mueller
613 Mr. Mitch Gravo/ Municipality of Anchorage	30 Sen. Sturgulewski
644 Chairman Sturgulewski	31 Mr. Mueller
645 Sen. Rodey	60 Sen. Rodey
649 Sen. Sturgulewski	68 Commissioner Mueller
653 Ron Murphy	69 Mr. Tillinghast
665 Sen. Sturgulewski	74 Sen. Kelly
674 Mr. Murphy	78 Commissioner Mueller
759 Sen. Kelly	84 Sen. Sturgulewski
671 Mr. Murphy	92 Sen. Kelly
766 Sen. Kelly	94 Commissioner Mueller
768 Mr. Murphy	97 Sen. Kelly
778 Sen. Kelly	98 Commissioner Mueller
785 Mr. Murphy	99 Sen. Sturgulewski
804 Sen. Sturgulewski	101 John Messenger (Acting Commissioner, Dept. of Revenue)
805 Sen. Rodey	134 Sen. Sturgulewski
806 Mr. Murphy	138 Mr. Messenger
809 Sen. Rodey	142 Sen. Sturgulewski
810 Sen. Kelly	144 Mr. Messenger
811 Mr. Murphy	145 Sen. Kelly
824 Sen. Rodey	147 Mr. Messenger
826 Mr. Murphy	152 Sen. Kelly
843 Sen. Rodey	153 Sen. Sturgulewski
844 Mr. Murphy	160 Sen. Rodey
846 Sen. Sturgulewski	163 Sen. Kelly
849 Mr. Murphy	164 Sen. Sturgulewski/Sen. Kelly
861 Sen. Sturgulewski	166 Mr. Messenger
865 Mr. Don Dickey (Alaska Chamber of Commerce)	169 Sen. Rodey
949 Sen. Sturgulewski	171 Sen. Sturgulewski
950 Sen. Kelly	175 Sen. Kelly
958 Mr. Dickey	1179 ADJOURNED 3:50 p.m.
963 Sen. Rodey	
966 Mr. Dickey	

KODIAK  
ANNEX /  
JT HRG ;  
TRAVEL /  
ADMIN.



Official Business

# Alaska State Legislature

Senate

Committee on  
Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 5, 1979

TO: The Honorable Clem Tillion  
President, State Senate  
The Honorable Mike Colletta  
Chairman, Senate Rules

FROM: Arliss Sturgulewski  
Senator

RE: Kodiak - Joint Public Hearing of the Senate and House Community  
and Regional Affairs Committees, February 10, 1979.

As discussed with you and Senator Colletta earlier, this memorandum explains in further detail the planned trip to Kodiak. This Joint Hearing is being held for the consideration of "Recommendation for Annexation of Territory to the City of Kodiak" as submitted to the Eleventh Legislature by the Alaska Local Boundary Commission; Senate Joint Resolution 12 and House Joint Resolution 10. The decision to go to Kodiak was made because of the great amount of interest expressed by affected citizens of the Kodiak community.

Although there are some individual differences in schedules, itinerary plans show the majority of the committee members leaving Juneau 5:30 p.m., Friday, February 9, 1979; overnighing Anchorage; going to Kodiak Saturday, February 10, and returning to Juneau 10 p.m., Sunday; thereby not missing any working legislative day.

The following Senate Community and Regional Affairs' members and staff will be traveling to Kodiak: Senators Mulcahy, Rodey, Kelly, and Sturgulewski. Staff includes Administrative Assistant Gene Walsh and Secretary Twyla Hartsock. See attached traveling schedule for complete details.

Expenses are to be handled in the following manner:

Each Committee will handle their own transportation costs and per diem for staff.

General expenses, phone calls, etc., will be handled by Senate Community and Regional Affairs Committee.

Advertising costs will be divided between the two Committees.

We understand written approval from you is needed in order to complete final travel arrangements and payments. Your approval would be appreciated as soon as possible.

Attachment



Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 5, 1979

TO: Senator Bob Mulcahy  
Vice-Chairman  
Senator Tim Kelly  
Senator Patrick Rodey

FROM: Arliss Sturgulewski *AS*  
Chairman

RE: February 10, 1979, Joint Public Hearing in Kodiak

Attached is a traveling schedule for those members attending the above Hearing. By going as a group, we will receive a group discount on our plane fares. My office made and received confirmed reservations for our block trip (transportation plus Travelodge rooms in Kodiak); and after coordinating with your offices, your schedules appear as stated on this attachment. If you anticipate any changes, please contact my secretary. Also attached is a copy of the proposed agenda for our Joint Hearing.

We all realize our primary reason for this trip. In the event we do have some time left following our Hearing Saturday evening, legislators and staff have been invited to a League of Women Voters meeting.

An informal breakfast is tentatively being arranged by concerned citizens who wish to speak on the Development City Act and its proposed use on Afognak Island. They would like to meet with as many of the Joint Committee members as possible. Other Kodiak citizens may wish to meet with legislators at this informal breakfast also.

More specifics on the above; time, place, etc., will be announced later.

Attachments (2)

LEGISLATORS AND STAFF TRAVELING TO KODIAK

February 9-11, 1979

Fri. 2/9/79  
JNU/ANC  
5:30 p.m.

---

Sat. 2/10/79  
ANC/KODIAK  
9:30 a.m.

---

Sun. 2/11/79  
KODIAK/ANC  
10:45 a.m.

---

Sun. 2/11/79  
ANC/JNU  
6:35 p.m.

---

SENATE:

Mulcahy, Bob  
Sturgulewski, Arliss  
Rodey, Patrick  
-----

Staff:  
Hartsock, Twyla  
Walsh, Gene

Mulcahy  
Sturgulewski  
Rodey  
Kelly, Tim

Hartsock  
Walsh

Mulcahy  
Sturgulewski  
Rodey  
Kelly

Hartsock  
Walsh

Mulcahy  
Sturgulewski  
Rodey  
-----

Hartsock  
Walsh

HOUSE:

Zharoff, Fred  
Carney, Patrick  
Parker, Bill  
Branson, Margaret  
Metcalf, Ray  
-----

Staff:  
Gorsuch, Marge

Zharoff  
Carney  
Parker  
Branson  
Metcalf  
O'Connell, Patrick

Gorsuch

-----  
Carney  
Parker  
Branson  
Metcalf  
O'Connell

Gorsuch

-----  
-----  
Parker  
-----  
Metcalf  
O'Connell

Gorsuch

OVERNIGHT ARRANGEMENTS FOR ALL THE ABOVE (except Senator Mulcahy and Representative Zharoff) WERE MADE AT THE KODIAK SHEFFIELD TRAVELODGE, Saturday, February 10, 1979.

Each legislator is responsible for overnighing arrangements in Anchorage, Friday, February 9, 1979.

JOINT PUBLIC HEARING BY THE SENATE AND HOUSE COMMUNITY  
AND REGIONAL AFFAIRS COMMITTEES  
CO-CHAired  
SENATOR ARLISS STURGULEWSKI  
AND  
REPRESENTATIVE BILL PARKER

2:00 P.M.  
FEBRUARY 10, 1979  
EAST ELEMENTARY SCHOOL AUDITORIUM  
KODIAK, ALASKA

PURPOSE: Consideration of "Recommendation for Annexation of Territory to the City of Kodiak" as submitted to the Eleventh Legislature by the Alaska Local Boundary Commission; Senate Joint Resolution 12 and House Joint Resolution 10.

Agenda:

2:00 Call to Order

Introductory Remarks

2:15 Alaska Local Boundary Commission Presentation

2:35 City of Kodiak Presentation

2:55 Borough of Kodiak Island Presentation

3:15 Public Testimony (Groups-5 minute / Individuals 3-minute  
limitations)

Adjournment



Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

TO: All Senate Community & Regional  
Affairs Committee Members

FROM: Twyla Hartsock *th*  
Committee Secretary

RE: Other events in Kodiak, February 10-11, 1979.

As you no doubt already know, following our arrival in Kodiak, February 10, a bus tour will be given our (Joint) group, showing the proposed annexation area, before taking us to the Travelodge, and our Public Hearing at 2 p.m. (You already have your Public Hearing Agenda.)

Following the Public Hearing, or in the event a dinner break is taken, the Russian Dancers desire to perform for us at 7:30 p.m.. They are in the process of making dinner arrangements for our group at one of the dining places large enough to accommodate their performance.

Senator Rodey's office has advised there will be a no-host, informal, cocktail get-together at the Sheffield Travelodge, around 8 p.m., for anyone who would like to attend.

An 8 a.m. breakfast at the Travelodge is being arranged by citizens of Kodiak desiring to speak to our group, especially on the Development Cities Act in connection with Afognak Island.

The following reservations remain confirmed for our Committee members: Senators Mulcahy, Sturgulewski, Rodey, Kelly; and staff: Hartsock, Walsh.

2/10/79 Lv. Juneau 5:50 p.m. -- Arr. Anchorage 5:15 p.m. via Alaska Airlines  
2/11/79 Lv. Anch. 9:30 a.m. -- Arr. Kodiak 10:20 a.m. via Wien Airlines

### OVERNIGHT SHEFFIELD TRAVELODGE

2/12/79 Lv. Kod. 10:45 a.m. -- Arr. Anch. 12:20 p.m. via Wien Airlines  
2/12/79 Lv. Anch. 6:35 p.m. -- Arr. Juneau 10 p.m. via Alaska Airlines

CHECK-IN IS AN HOUR AHEAD OF EACH DEPARTURE.

If you have any questions, don't call me. ☺

LEGISLATORS AND STAFF TRAVELING TO KODIAK

February 9-11, 1979

Fri. 2/9/79  
JNU/ANC  
5:30 p.m.

---

Sat. 2/10/79  
ANC/KODIAK  
9:30 a.m.

---

Sun. 2/11/79  
KODIAK/ANC  
10:45 a.m.

---

Sun. 2/11/79  
ANC/JNU  
6:35 p.m.

---

SENATE:

Mulcahy, Bob  
Sturgulewski, Arliss  
Rodey, Patrick  
-----

Staff:  
Hartsock, Twyla  
Walsh, Gene

Mulcahy  
Sturgulewski  
Rodey  
Kelly, Tim

Hartsock  
Walsh

Mulcahy  
Sturgulewski  
Rodey  
Kelly

Hartsock  
Walsh

Mulcahy  
Sturgulewski  
Rodey  
-----

Hartsock  
Walsh

HOUSE:

Zharoff, Fred  
Carney, Patrick  
Parker, Bill  
Branson, Margaret  
Metcalfe, Ray  
-----

Staff:  
Gorsuch, Marge

Zharoff  
Carney  
Parker  
Branson  
Metcalfe  
O'Connell, Patrick

Gorsuch

-----  
Carney  
Parker  
Branson  
Metcalfe  
O'Connell

Gorsuch

-----  
-----  
Parker  
-----  
Metcalfe  
O'Connell

Gorsuch

OVERNIGHT ARRANGEMENTS FOR ALL THE ABOVE (except Senator Mulcahy and Representative Zharoff) WERE MADE AT THE KODIAK SHEFFIELD TRAVELODGE, Saturday, February 10, 1979.

Each legislator is responsible for overnighting arrangements in Anchorage, Friday, February 9, 1979.

JOINT PUBLIC HEARING BY THE SENATE AND HOUSE COMMUNITY  
AND REGIONAL AFFAIRS COMMITTEES  
CO-CHAired  
SENATOR ARLISS STURGULEWSKI  
AND  
REPRESENTATIVE BILL PARKER

2:00 P.M.  
FEBRUARY 10, 1979  
EAST ELEMENTARY SCHOOL AUDITORIUM  
KODIAK, ALASKA

PURPOSE: Consideration of "Recommendation for Annexation of Territory to the City of Kodiak" as submitted to the Eleventh Legislature by the Alaska Local Boundary Commission; Senate Joint Resolution 12 and House Joint Resolution 10.

Agenda:

- 2:00 Call to Order
  - Introductory Remarks
- 2:15 Alaska Local Boundary Commission Presentation
- 2:35 City of Kodiak Presentation
- 2:55 Borough of Kodiak Island Presentation
- 3:15 Public Testimony (Groups-5 minute / Individuals 3-minute limitations)
- Adjournment

KODIAK

ANNEX

CORRES.





Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 6, 1979

TO: Senator Bob Mulcahy  
Vice-Chairman  
Senator Terry Stimson  
Senator Tim Kelly  
Senator Patrick Rodey

FROM: Arliss Sturgulewski *AS*  
Chairman

RE: Kodiak Public Hearing, February 10, 1979

Attached is background information for our Kodiak Public Hearing.

Please take these packets with you to Kodiak, as extra copies will not be available.

Attachments

1-30-79

# Committee Log Book - 1979

Tape Number 1

SENATE C/RA

Side Number "2"

Committee \_\_\_\_\_

Dates 1/30/79 to \_\_\_\_\_

**BRIEFING - KODIAK ANNEXATION - KODIAK HEARING PREPARATIONS**

Bill Numbers Discussed

→									
---	--	--	--	--	--	--	--	--	--

Date & Time	Tape Meter Number	Bill	Significant Information (Witness, Action)
1/30/79	0000		Start with Chairman Sturgulewski
1:30PM	126		Mr. P. McCarter, Dir., Div. Local Govern., Dept. C/RA
	186		Sen. Mulcahy, Mbr. C/RA
	207		Mr. McCarter
	368		Mr. Chenoweth, Legislative Affairs
	660		Chairman Sturgulewski
	671		Commissioner McAnerney, Dept. C/RA
	682		Mr. Chenoweth
	693		Sen. Stimson, Mbr. C/RA
	699		Mr. Chenoweth
	725		Sen. Stimson
	729		Sen. Chenoweth
	748		Chairman Sturgulewski
	763		Mr. McCarter
	773		Commissioner McAnerney
	776		Mr. McCarter
	778		Sen. Mulcahy
	794		Chairman Sturgulewski
	821		Mr. McCarter
	973		Sen. Stimson
	976		Mr. McCarter
	991		Sen. Stimson
	994		Mr. McCarter
	997		Sen. Stimson
	1002		Sen. Kelly, Mbr C/RA
	1007		Sen. Mulcahy
	1018		Commissioner McAnerney
	1033		Sen. Kelly
	1037		Chairman Sturgulewski
	1046		Sen. Mulcahy
	1053		Chairman Rodey
	1060		Mr. McCarter
	1071		Sen. Kelly
	1076		Mr. McCarter
	1123		Sen. Stimson.

1128-30 Mr. McCarter  
1139 Sen. Stimson & Mr. McCarter  
1155 Sen. Mulcahy  
1170 Mr. McCarter  
1181 Chairman Sturgulewski  
1182 Sen. McCarter  
1187 Sen. Kelly  
1190 Mr. McCarter  
1194 Sen. Kelly  
1195 Mr. McCarter  
1198 Commissioner McAnerney  
1203 Chairman Sturgulewski  
1206 Sen. Mulcahy

TAPE ENDED AND MEETING ADJOURNED

Approximately 2:35 pm

*Dobson / 12-11-79*

JOINT PUBLIC HEARING BY THE SENATE AND HOUSE COMMUNITY  
AND REGIONAL AFFAIRS COMMITTEES  
CO-CHAIRERD  
SENATOR ARLISS STURGULEWSKI  
AND  
REPRESENTATIVE BILL PARKER

2:00 P.M.  
FEBRUARY 10, 1979  
EAST ELEMENTARY SCHOOL AUDITORIUM  
KODIAK, ALASKA

PURPOSE: Consideration of "Recommendation for Annexation of Territory to the City of Kodiak" as submitted to the Eleventh Legislature by the Alaska Local Boundary Commission; Senate Joint Resolution 12 and House Joint Resolution 10.

Agenda:

- 2:00 Call to Order
  - Introductory Remarks
- 2:15 Alaska Local Boundary Commission Presentation
- 2:35 City of Kodiak Presentation
- 2:55 Borough of Kodiak Island Presentation
- 3:15 Public Testimony (Groups-5 minute / Individuals 3-minute limitations)
- Adjournment

# KODIAK ISLAND BOROUGH

P.O. Box 1246  
Kodiak, Alaska 99615

Second Class Borough

Phone: (907) 486-5736

INCORPORATION DATE: September 24, 1963  
POPULATION: 8,926  
REGULAR ELECTION: First Tuesday of October  
SALES TAX: None  
ASSEMBLY MEETS: First Thursday of each month

MAYOR: Betty Wallin 1979

## ASSEMBLY MEMBERS

Dr. Michael Emmick	1979
Edward Jack	1980
Sandra Kavanaugh	1979
Arnold Hansen	1981
James Peotter	1980
William Fearn	1981
Danforth Ogg	1981

## PLANNING AND ZONING COMMISSION

Ron Ball	1979
Dan Busch	1979
John Pugh	1979
Gene Erwin	1980
Tom Perez	1980

## BOROUGH POWERS

Areawide: Education, health,  
planning and zoning, assessment  
and taxation. Non-areawide: Fire  
districts (2), parks and recreation.

## SCHOOL BOARD

Stan Baltzo	1980
David Crowe	1979
Joan Joanson	1979
Louise Collins	1981
Jim Olson	1981
Fran Flick (non voting rep)	

Service areas: Road maintenance.

MANAGER.....	Stuart Denslow
CLERK/TREASURER.....	Shirley "Mickie" Miller
HEALTH OFFICER.....	Harry Brighton
PLANNING DIRECTOR.....	Harry Milligan
SUPERINTENDENT OF SCHOOLS.....	John Anttonen
ATTORNEY.....	Richard Garnett
ASSESSOR.....	Edwin Haney
ADMINISTRATIVE ASSISTANT.....	Marilyn McKinnon
BUILDING OFFICIAL.....	Bryce Gordon
ENGINEER.....	Robert Marmaduke III
HOSPITAL ADMINISTRATOR.....	Robert Groff

\*\*\*\*\*

**KODIAK**

P.O. Box 1397  
Kodiak, Alaska 99615

Home Rule City

Phone: (907) 486-3224

INCORPORATION DATE: September 11, 1940  
POPULATION: 4,960  
REGULAR ELECTION: First Tuesday in October  
SALES TAX: 3%  
CITY COUNCIL MEETS: Second and fourth Thursdays of each month

MAYOR: Gary Stevens 1979

CITY COUNCIL MEMBERS

Toni Eaton 1979  
Gaynell Hatcher 1980  
Carol Lechner 1979  
Ernie Mills 1981  
Wilton White 1981  
Dave Woodruff 1980

MUNICIPALLY OWNED UTILITIES

Water  
Dock  
Sewer  
Ferry Terminal  
Boat Harbor

CLERK.....Libby Presnall  
FINANCE DIRECTOR.....Harry Hyde  
MANAGER.....Clair Harmony  
CHIEF OF POLICE.....Jack Rhines  
FIRE CHIEF.....George Magnusen  
HEALTH OFFICER.....State Sanitarian  
EMERGENCY PREPAREDNESS DIRECTOR.....Clair Harmony  
PORT DIRECTOR.....George Cutrell  
HARBORMASTER.....George McCorkle  
ENGINEER.....John St fford  
WATER & SEWER SUPERINTENDENT.....Herman Beukers  
PARKS & RECREATION DIRECTOR.....Ian Fulp  
PURCHASING AGENT.....Carolyn Thomas  
LIBRARIAN.....Elizabeth Carroll  
BUILDING INSPECTOR.....Moiris Lee  
ATTORNEY.....Cole, Hartig, Rhodes, Norman  
and Mahoney

KODIAK

RPT. by

C/R A



Official Business

# Alaska State Legislature

Senate

Office of the Secretary

January 21, 1980

Pouch V  
State Capitol  
Juneau, Alaska 99811

MEMORANDUM TO: Community and Regional Affairs Committee

From: Secretary of the Senate *JAM*

Subject: Report to the Second Session of the  
Eleventh Legislature relating to  
Review of Services provided to the  
Residents in the Kodiak Island Borough

The President has referred the above report to the  
Community and Regional Affairs Committee for your  
information.

Encl: C&RA report of January 18, 1980