

LAW
REVISION
Comm.

JUDICIARY COMMITTEE REPORT

ON HOUSE BILL NO. _____, ESTABLISHING THE ALASKA LAW REVISION COMMISSION

This bill establishes a law revision commission as a vehicle for continually reviewing the law of this state and providing in-depth legal research through the cooperation of the legislative council, the Alaska Bar Association and various law schools. (The bar has reached tentative agreement with the dean and some faculty of the U.C.L.A. Law School.) The lawyers and law students engaged in these activities will not be paid for their time, but members of the commission will be entitled to payment of a per diem allowance and travel expenses for commission business.

This arrangement would provide legal services and recommendations to the legislative council beyond which the revisor of statutes and the rest of the staff of the Legislative Affairs Agency presently have time for. It appears to have been the experience of some other states with a law revision commission that whereas the legislative council or comparable agency of the legislature has primarily devoted itself to "new law" or revision of "public law", the commission has been able to devote more time and effort to the development of "private law" -- the law which is administered between citizen and citizen.

The commission's research projects will be only on topics which the legislature has approved, and the commission will operate under the supervision and control of the legislative council, with administrative services provided by the Legislative Affairs Agency to the extent authorized by the council. It is expected that where there may be some overlapping of functions between the commission and the revisor of statutes the commission will work through him in presenting its recommendations to the council.

Barry Jackson, Chairman

Draft

Bill J. ...
[Signature]

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act establishing the Alaska Law Revision Commission."

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

* Section 1. AS 24.20 is amended by adding new sections to read:

ARTICLE 3. LAW REVISION COMMISSION.

Sec. 24.20.400. ALASKA LAW REVISION COMMISSION. (a) The Alaska Law Revision Commission is established, ^{under the control & supervision of the} ~~as a permanent agency of the~~ ^{A Leg. Council.} ~~legislature.~~ It is comprised of five members of the Alaska Bar Association and the following seven governmental members: the chairmen of the judiciary committees of the state Senate and House of Representatives, or their designees from among the members of their respective committees, the chairman of the Alaska Legislative Council, and a member of the council from the opposite party appointed by the chairman, or their designees from among the members of the council; the attorney general, or his designee from among his staff; one justice of the Alaska Supreme Court, chosen by the justices of that court, or his designee from among the justices; one judge of the Alaska Superior Court, chosen by the judges of that court, or his designee from among the judges of that court. The first bar association members of the commission are to be selected by the president of the association and subsequent ones by statewide election by active members of the association with at least one commission member from the first judicial district, ^{one ... from the third ...} and one from the second or fourth judicial districts.

(b) Vacancies on the commission shall be filled by the respective

Legis Council

1 selecting authorities for the remainder of the terms of the vacated
2 positions.

3 (c) The commission shall elect one of its members to serve as
4 chairman for a term prescribed by the commission.

5 (d) The attorney general, the supreme court justice and the
6 superior court judge are nonvoting members and may not serve as
7 chairman.

8 Sec. 24.20.410. TERM OF OFFICE. The term of office for non-
9 governmental members and for the judge and justice is four years, and
10 they shall hold office until the selection of their successors. Initial
11 nongovernmental members shall be appointed by the president of the bar
12 association for staggered terms as follows: two members for two years,
13 two for three years and one for four years.

14 Sec. 24.20.420. TRAVEL EXPENSES AND PER DIEM. Each member of the
15 commission is entitled to payment of travel expenses and per diem as
16 provided in AS 39.20.180, but is not entitled to receive compensation
17 for his services.

18 Sec. 24.20.430. ADMINISTRATIVE SERVICES. ~~Necessary~~ Administrative
19 services for the commission ^{may} shall be provided by the Legislative
20 Affairs Agency *for the extent authorized by the Leg. Council.*

21 Sec. 24.20.440. STATE RESEARCH FACILITIES AVAILABLE TO COMMISSION.
22 The material of the state law libraries and other state libraries shall
23 be made available to the commission. All state agencies and all
24 persons connected with them shall give the commission full cooperation
25 and reasonable assistance in matters of research requiring recourse to
26 them or to data within their knowledge or control. *shall file*

27 Sec. 24.20.450. ^{Voter of Leg. Member} ~~RESTRICTIONS ON LEGISLATIVE ACTIVITIES.~~ NO
28 member other than a legislator or the attorney general *may* with respect
29 to proposed legislation concerning matters assigned to the commission

ent will check

1 for study under sec. 490 of this chapter, advocate the passage or defeat
2 of any such legislation by the legislature or the approval or veto of
3 any such legislation by the governor or appear before any committee of
4 the legislature as to such matters unless requested to do so by the
5 committee or its chairman. The legislative members are not bound by
6 their vote on a given matter when it later comes up for consideration by
7 the legislative council or legislature. No ~~governmental~~ member of
8 the commission may advocate the passage or defeat of any ^{other} legislation or
9 approval or veto of any ^{other} legislation by the governor in his official
10 capacity as a member.

11 Sec. 24.20.460. RULES. The commission shall make rules providing
12 for internal operation and administration.

13 Sec. 24.20.470. DUTIES OF COMMISSION. The commission shall
14 within the limitations imposed by sec. 490 of this chapter:

15 (1) examine the statutes ~~of the state~~, the common law and
16 ^{of the state} judicial decisions for the purpose of discovering defects and anachron-
17 isms in the law and recommending needed reforms;

18 (2) receive and consider proposed changes in the law
19 recommended by the American Law Institute, the National Conference of
20 Commissioners on Uniform State Laws, any bar association or other
21 learned body;

22 (3) receive and consider suggestions from judges, justices,
23 public officials, lawyers, and the public generally as to defects and
24 anachronisms in the law;

25 (4) recommend changes in the law it considers necessary to
26 modify or eliminate antiquated and inequitable rules of law, and to
27 bring the law of this state into harmony with modern conditions;

28 (5) recommend the express repeal of all statutes repealed by
29 implication, or held unconstitutional by the supreme court of the state

1 or the Supreme Court of the United States.

2 Sec. 24.20.480. REPORTS. (a) The commission shall, within the
3 limitations of sec. 490 of this chapter, submit reports ^{to the Leg. Council} ~~with its~~
4 recommendations (prepared in accordance with the Legislative Affairs ^{which}
5 Agency's legislative drafting manual) as to revision of the laws, ^{with} ~~to the~~
6 ~~Legislative Council.~~

7 (b) The reports and proposed legislative measures shall be
8 printed by the ^{leg. aff. ag. or auth. by the Leg. Council.} ~~state, under the supervision of the commission.~~ The
9 ~~exhibits shall be printed so as to show in the clearest manner the~~
10 ~~changes and repeals proposed by the commission.~~

11 Sec. 24.20.490. STUDIES. The commission shall file with each
12 regular session of the legislature a list of the topics selected by it
13 for study, the studies in progress and the topics intended for future
14 consideration. After the filing of its first list, the commission
15 shall confine its studies to those topics set out in its last pre-
16 ceding list which are approved for its study by concurrent resolution
17 of the legislature.

18 Sec. 24.20.500. COOPERATION WITH OTHER INSTITUTIONS OR ORGANI-
19 ZATIONS. (a) The commission may cooperate with any bar association or
20 other learned, professional, or scientific association, institution or
21 foundation in any manner suitable for the fulfillment of the purposes
22 of this chapter.

23 (b) The commission may, with the approval of the commissioner of
24 administration, enter into, amend and terminate contracts with colleges,
25 universities, schools of law or other research institutions, or with
26 qualified individuals for the purposes of research.
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The Legislature of the State of Alaska
 FISCAL NOTE
 First Session - Sixth State Legislature

COPIES: THE CHAIRMAN OF THE COMMITTEE MAKING THE REQUEST, POUCH V
 THE LEGISLATIVE FINANCE COMMITTEES' STAFF, POUCH Y
 THE DIVISION OF BUDGET & MANAGEMENT, POUCH C
 RETAIN A COPY FOR YOUR FILES

subject Law Revision Commission SB
 requested by House Judiciary Committee
 referred to _____ date of request 2/26/69
 completion date requested 2/28/69 date received _____

EXPENDITURE DETAIL	FY	FY 69-70	FY
100 PERSONAL SERVICES	\$	\$ 5,880	\$
200 TRAVEL		1,660	
300 CONTRACTUAL SERVICES			
400 COMMODITIES		2,460	
500 EQUIPMENT			
600 LAND AND STRUCTURES			
700 GRANTS, CLAIMS & SHARED REVENUE			
TOTAL	\$	\$ 10,000	\$

FUNDING DETAIL			
FEDERAL RECEIPTS	\$	\$	\$
SPECIAL FUNDS			
UNRESTRICTED GENERAL FUND RECEIPTS			
Man Months			
Permanent Positions			
Temporary Positions			

FISCAL ANALYSIS

The \$5,880 estimate for Personal Services is based on Mr. Howitt's thoughts that there would be two 5-day meetings per year, one in Anchorage and one in Juneau. This figure allows for per diem to be paid also for the travel time to and from the meeting places.

The Travel estimate of \$1,660 is as close an estimate as is possible without knowing the resident city of each member who would comprise the commission. However, taking into consideration those governmental members who will automatically be on the commission, it is my best estimate that the commission will be composed of 6 people from the Anchorage area, 4 from the Fairbanks area, and 2 from the Juneau area. If this is the case, the \$1,660 travel estimate would be an accurate figure.

There is no way at this time to estimate an amount needed for Equipment or Commodities as these items of expenditure would depend entirely upon the work projects of the commission. In this fiscal note I have estimated \$2,460 for Commodities, which would make the total amount needed to fund the commission for F.Y. 1969-70 \$10,000.

DATE 2/28/69

SIGNATURE _____

NAME & TITLE John Elliott, Executive Director

Jahon
Jud. Com file

ALASKA BAR ASSOCIATION
Committee on Law Revision

James Singleton, Chairman
Committee members:

- Daniel Moore, Esq.
- Millard Ingraham, Esq.
- James B. Bradley, Esq.
- Senator Brad Phillips
- Hon. Jay A. Rabinowitz, Associate Justice,
Alaska Supreme Court
- G. Kent Edwards, Attorney General
- John Elliott, Executive Director,
Alaska Legislative Affairs Agency
- Lester W. Miller, Jr.
- Dean Richard C. Maxwell, U.C.L.A. Law
School
- Edward Reasor, Esq.

Former chairman- Hon. George Boney,
Associate Justice, Alaska Supreme Court

REPORT AND RECOMMENDATION FOR THE CREATION
OF THE
ALASKA LAW REVISION COMMISSION

This report and recommendation was prepared by James Singleton and Daniel Moore and is an outgrowth of meetings by the Committee on Law Revision. A tentative draft was circulated to all members of the Committee.

The Committee on Law Revision was formed as a special committee within the Alaska Bar Association. Its purpose is to find a method for the orderly and effective revision of antiquated laws and for the adoption of uniform laws for the state. It was recognized by the committee that some guidance, assistance to the legislature, and overall practical review by professional persons engaged on a daily basis in utilizing our laws might prove of benefit to the state. Toward this end, a proposed Alaska Law Revision Commission has been suggested and draft legislation is enclosed. The concept of the Commission has been endorsed by the Alaska Bar Association.

Stanley Howitt, Director
Alaska Bar Association

Leg. Aff. Ag. - has not done enough on law revision
Pub. Comm. in legislation to be established at UCLA law school
qualifying student as possible staff atty for L.A.A.
ABA - will undertake time w/o cost (except per diem + travel)
Cost neg - do not have staff or time for wholesale revision
Should be in legislative branch

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1. Proposed Statute relating to Alaska Law Revision Commission (patterned on New York and California Acts) (Draft No. 2)
2. Proposed procedures for Alaska Law Revision Commission.
3. Footnotes.

IN THE

BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
SIXTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act creating an Alaska Law Revision
Commission."

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

Section 1. AS 24 is amended by adding a new chapter
to read:

CHAPTER 60. ALASKA LAW REVISION COMMISSION

Sec. 24.60.010. ALASKA LAW REVISION COMMISSION.

There is created in the state government the Alaska Law
Revision Commission. The Commission consists of members
as follows: The Chairman^l of the Judiciary Committees
of the House and of the Senate; the Chairman of the Alaska
Legislative Council; the Attorney General or his designate;
one justice of the Alaska Supreme Court, chosen by the
justices of that Court, who shall be a non-voting member;
one judge of the Alaska Superior Court, chosen by the
judges of that court.

The foregoing members shall be designated the
government members. The Commission shall further consist
of five members of the Alaska Bar Association, the first
members to be selected by the President of the Association
and thereafter by statewide election by active members of
the Association with at least one member each, from the
First Judicial District and Second or Fourth Judicial
District. The Commission shall elect one of its members
to serve as chairman for a term prescribed by the commission.
A vacancy shall be filled by the appointing power for the

*add
a minority
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Make
non-voting*

remainder of the term.

Sec. 24.60.020 TERM OF OFFICE. The members, other than government members, shall be selected for a term of four years and shall hold office until the selection and qualification of their successors. However, initial non-government members of the commission shall be appointed by the President for staggered terms as follows: two members for two years; two members for three years and one member for four years.

Sec. 24.60.030. TRAVEL EXPENSES AND PER DIEM. Each member of the Commission shall be allowed travel expenses and per diem as provided by AS 39.20.180, but shall not receive compensation for his services. ²

Sec. 24.60.040. DIRECTOR OF RESEARCH, EMPLOYMENT AND COMPENSATION GENERALLY. The commission may appoint a Director of Research and other professional, clerical or other employees which it considers necessary for the performance of the duties and exercise of the powers conferred upon the commission and provide for their compensation in accordance with law. ³⁻⁴

Sec. 24.60.050. STATE LAW LIBRARIES AND OTHER STATE AGENCY RESEARCH LIBRARIES AND FACILITIES TO BE AVAILABLE TO COMMISSION. The material of the State Law Libraries and other state and legislative research libraries shall be made available to the commission. All state agencies, and other official state organizations, and all persons connected therewith shall give the commission full cooperation and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control.

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Sec. 24.60.060. RESTRICTIONS ON LEGISLATIVE ACTIVITIES.

No employee of the commission and no member other than a member of the State Legislature or the Attorney General shall, with respect to any proposed legislation concerning matters assigned to the commission for study pursuant to A.S. 24.60.120, advocate the passage or defeat of any such legislation by the legislature or the approval or veto of any such legislation by the Governor or appear before any committee of the legislature as to such matters unless requested to do so by the committee or its chairman. The government members are not bound by their vote on a given matter when it later comes up for consideration by the legislature. In no event shall an employee or non-government member of the commission advocate the passage or defeat of any legislation or the approval or veto of any legislation by the Governor in his official capacity as such employee or member.

Sec. 24.60.070. RULES. The commission shall make rules implementing this chapter and rules providing for internal operation and administration.

Article 2. Duties

Sec. 24.60.080. DUTIES OF COMMISSION. The commission shall within the limitations imposed by A.S. 24.60.120 of this code:

(a) Examine the common law and statutes of the judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(d) Recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this State into harmony with modern conditions.

Sec. 24.60.090. COMMISSION RECOMMENDATIONS ON STATE STATUTES.

(a) The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the State or the Supreme Court of the United States.

(b) The commission shall submit its reports, and its recommendations as to revision of the laws to the Legislative Council. ⁵

(c) The commission may, within the limitations imposed by A.S. 24.60.120 of this code, include in its report the legislative measures proposed by it to effect the adoption or enactment of the proposed revision. The reports may be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission with a full and accurate index thereto.

(d) The Commission shall file a report at each regular session of the legislature which shall contain a calendar of the topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. After the filing of its first report the commission shall confine its studies

to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the legislature.

Sec. 24.60.100. PRINTING OF REPORTS. The reports, exhibits, and proposed legislative measures shall be printed by the State under the supervision of the commission.

The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission.

Sec. 24.60.110. COOPERATION WITH OTHER PUBLIC OR PRIVATE INSTITUTIONS OR ORGANIZATIONS.

(a) The commission may cooperate with any bar association or other learned, professional, or scientific association, institution or foundation in any manner suitable for the fulfillment of the purposes of this chapter.

(b) The commission may, with the approval of the Commissioner of Administration, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research.

A SUMMARY OF THE ORGANIZATION'S
INTERNAL PROCEDURE

The committee recommends that once the legislature has approved a program for research, each topic in that program be assigned to a committee chaired by a member of the commission.⁶ The commission as a whole will determine whether the basic research required by the topic will be done by

- (a) An expert consultant specifically chosen,
- (b) The UCLA Alaska Committee,
- (c) Some other law school's students,
- (d) A special research committee chosen from the Alaska Bar, or
- (e) The staff of the Legislative Affairs Agency.⁷

The committee feels, based upon comments made at the commission's initial meeting that due to the heavy work load presently carried by the Legislative Affairs Agency, that it should only be asked to assist as a last resort.⁸

Once the basic research is done and proposed legislation drafted, the sub-committee will make its recommendations which will in turn be discussed, debated, and determined by the entire commission.

The research study will hopefully: (1) identify the problem under consideration, (2) outline the present Alaska law on the problem, (3) set out the solutions to the problem found in the law of other jurisdictions, (4) identify the various competing policies involved. All relevant cases and statutes will be considered (foreign as well as domestic) as well as pertinent legal literature e.g. treatises, periodicals, restatements, model or uniform laws. Factual investigation is not contemplated.

Once the commission has approved a draft statute and issued its recommendations, it is assumed that the government members will see that the material reaches the legislators and is properly introduced.

ORGANIZATIONAL PROCEDURES FOR THE
ACCOMPLISHMENT OF THE
LAW REVISION COMMISSION'S OBJECTIVES⁹

A. Basic Structure.

1. The appointment of an executive secretary and director of research. This person has the responsibility to acquire a research and clerical staff and to organize the work of the commission.

2. The executive secretary directs inquiries to Judges, lawyers, reporters, annotaters of the Americal Law Institute or to other groups interested or concerned with the reform of the law.

3. The executive secretary will compile a list for immediate study or reserved list for subjects to be given long-term consideration.

4. The establishment of an office and clerical staff for the commission.

B. The Plan of Research Within The Commission.

1. The government members presence at working sessions of the commission would be appreciated but not required.

2. The government members may not be able to regularly attend all the meetings and therefore they should not receive any definite assignments for the project undertaken.

3. The government members are not bound by their vote on a given matter when it later comes up for consideration by the legislature.

4. The non-government members would not be responsible for the basic legal research required on the project work assigned.

C. The Selection of Projects.

1. Source: The commission will accept project suggestions from the courts, the Governor, the legislature, public officials, lawyers, or the public.

2. Action on the Suggestions: The commission will be required to consider projects suggested by the Governor or the

legislature. The commission, within its discretion, will decide whether or not to consider projects suggested by other sources.

3. Factors considered: The commission in deciding whether to undertake a particular project will consider its complexity, urgency, research facilities, manpower, budgetary fund, and evidence of the need for such undertaking. If the subject matter is under study by another State agency or within an agency's jurisdiction or concerns policy matters, this commission will not undertake the project.

D. Project Reports.

1. A current project report on each topic under consideration will be submitted annually. This report shall consist of two parts (a) a short statement explanatory of topics submitted for the first time, and (b) a brief restatement bringing up to date topics previously submitted not yet researched, explaining why the matter has been delayed or suspended.

2. Calendar of topics for study: This will have three divisions: (a) the immediate study list, i.e., the topics on which study has been authorized and assigned; (b) the reserved list, i.e., those topics not rejected or referred elsewhere on which study has not yet been authorized but which will be re-examined, and (c) the suspended study list, i.e., those topics which have been previously studied and have been submitted to the legislature but which were not accepted by it, or subjects to which after study by the commission no recommendation was made for legislation, including those subjects upon which study was begun but not completed for some reason.

3. Factors considered for placement of subject matter on the immediate study list: The commission's decision for placement of this list will involve the following factors: (a) the availability of qualified personnel to undertake the study; (b) a prediction made substantially ahead of the time the legislature opens as to what will be a balance program of proposed bills including an estimate of the work that can be finished before the legislative session commences; and (c) a judgment as to what project studies are most likely to result in legislation and which are not; and (d) a balancing of the work among the members of the commission in accordance with their specialized interest or professional experience.

E. Organization of the Membership of the Commission With Respect to Research.

1. The chairman of the commission will appoint one or two members of the commission to undertake a preliminary study of the project work selected.

2. The members of the commission appointed on the committee for the particular project work will engage the services of researchers to make a basic study of the subject matter coordinating the same with the director of research.

3. The members of this committee will hold any necessary meeting and/or direct correspondence to the researcher and will be responsible for obtaining a complete report for submission to the full commission with its recommendations for a plan of action.

4. The commission will then consider the report and recommendations of the subcommittee. If no decision can be reached, the matter will again be referred back to the committee for further study. If the commission decides to recommend legislation, consideration will then be given to the drafting of a suitable statute to accomplish this purpose.

F. The Function of the Research Assistants or Consultants.

1. Source: On Page ___ of this report on organization is set forth the possible sources from which the necessary research can be accomplished.

2. Research Study: The project work must include an analysis of the Alaska law, a comparison of it with laws of other jurisdiction, including foreign law, and a consideration of the policy questions involved. Statutory as well as decisional law should be examined, and the ideas and thoughts of jurists, text writers and eminent authorities should be consulted, as well as all pertinent legal literature such as treatises, periodicals, restatements, model or uniform laws, etc. If actual investigations are called for, provision should be provided for this need. Where legislation is recommended, the research study will include a proposed draft of a statute resolving the problem studied.

G. Necessary Steps After Approval of the Research Study.

1. When the commission decides that legislative action is desirable then a draft of the proposed statute will be prepared.

2. The bill form submitted to the legislature should be accompanied by an explanatory "statutory note" and a separate document known as the "recommendation" which sets forth the reason for the proposed legislation and reviews concisely but fully the entire problem presented in the research study. The legislation proposed must be the product of the joint consideration of the members of the commission and have been fully considered before submission to the legislature.

3. The commission should then submit the proposed bill to a standing committee of the Alaska Bar Association for consultation and recommendations. Any criticisms or recommendations suggested by the standing committee of the Alaska Bar Association will then be reconsidered by the full commission for acceptance, rejection or modification. When this is accomplished, the bill will then be submitted to the chairman of the judiciary committees of both houses for introduction to the legislators.

4. Following the introduction of the bill, the commission should be willing to hold a full meeting before any legislative committees and the member of the commission who was assigned the particular subject matter shall have the responsibility of explaining and answering questions raised concerning it by the legislators.

FOOTNOTES

1. The legislative members are considered necessary to insure a good working relationship with the legislature. See Sutton, The English Law Commission: A New Philosophy of Law Reform, 20 Vanderbilt Law Review 1009, 1016-1017 (1967). The New York and California Acts have similar provisions cf. McDonald Note 2 Infra.

Following Justice Rabinowitz's suggestion regarding possible conflicts no judicial voting member is recommended but cf. Cardoza, A Ministry of Justice, 35 Harv. Law Rev. 113 (1921) suggesting substantial judicial involvement and cf. Sutton, supra 1017-1018 text accompanying Note 35. No lay members other than members of the legislature are contemplated but cf. McDonald, Note 2, infra, pp 407-409 Note 35 and See Note 40 pp 413-414.

The committee considered these alternatives for choosing non-government members:

(a) The commission requests from the president of each bar association names of those interested in serving and chooses among volunteers.

(b) Election by bar association (cf. Judicial Council).

(c) Appointment by Judicial Council.

(d) Appointment by Governor with (as in California) or without (as in New York) approval by Senate.

The committee felt, if politically feasible, that the President of the Bar Association should choose the initial members and that vacancies should thereafter be handled under alternative (a). The committee expresses no opinion regarding geographical representation.

2. One of the major problems facing the commission will be that of funding. (Note: The New York Commission pays each appointed member a salary. (originally \$5,000, now \$9,000) See McDonald, Legal Research Translated into Legislative Action: The New York Law Revision Commission 1934-1933, 48 Cornell L. Quarterly, 401, 445-446 (1963). The budget is found Id. at 453.

Naturally, if appropriate funding is unavailable, the statute will have to be modified.

3. Note two, supra.

4. Note two, supra.

5. California provides for general cooperation between legislature and commission. The committee understood that in Alaska it would work through the Legislative Affairs Agency.

6. McDonald, supra, Note 2, pp. 421-422.

7. See Stone and Pettee, Revision of Private Law, 54 Harv. L. Rev. 221, 226-227 (1938). The authors argue that the Legislative Council is primarily concerned with "new Law" and "Public law" rather than the revision or reformation of old "private law". Consequently, that organization is overloaded to the extent that it must also handle questions of private law revision.

8. McDonald, supra, Note 2, pp. 424-425.

9. Note 2, supra, pp. 416-428.