

Kelso -

Brady

ADINGS TITLE 39.  
Public Officers and Employees.  
CHAPTER 05.  
Qualifications, Appointment, and Tenure.  
ARTICLE 2.  
Nomination and Confirmation of Appointive Officers.  
TATION Sec. 39.05.080.  
TCH LINE

XT PROCEDURE FOR ALL APPOINTMENTS.  
Appointments shall be made in the following manner:

(1) The appointing authority shall, within 30 days of the convening of the legislature in regular session, present to the legislature for confirmation the names of the following persons: (A) persons appointed to a position or membership who have not previously been confirmed by the legislature or either house of it; (B) persons appointed by him subject to confirmation to fill an existing position or membership vacancy; (C) persons to be appointed subject to confirmation to fill a position or membership the term of which shall expire before July 2, following the session of the legislature. If an appointment is made after the deadline but while the legislature is in session, the appointing authority shall, within five calendar days after the appointment is made, present to the legislature for confirmation the name of the person appointed. The deadline may be extended by the legislature by the approval of a concurrent resolution.

(2) When appointments are presented to the legislature for confirmation,

(A) the presiding officer of each house shall assign the name of each appointee to a standing committee of that house for a hearing, report and recommendation; standing committees of the two houses assigned the same person's name for consideration may meet jointly to consider the qualifications of the person appointed and may issue either a separate or a joint report and recommendation concerning that person; then

(B) the legislature shall, before the end of the session in which the appointments are presented, in joint session assembled, act on the appointments by confirming or declining to confirm by a majority vote of all of the members the appointments presented.

(3) When the legislature declines to confirm an appointment, the legislature shall notify the appointing authority of its action and a vacancy in the position or membership exists which the appointing authority shall fill by making a new appointment. The new appointment shall be presented for confirmation to the legislature within 20 calendar days following receipt by the appointing authority of the legislature's notification of its refusal to confirm the prior appointment. If the name of a person is submitted and is not confirmed, the appointing authority may not, upon resubmission of appointments, submit again the name of the person whose confirmation was refused for the same position or membership during the session of the legislature at which confirmation was refused. The person whose name is refused for appointment by the legislature may not thereafter be appointed to the position or membership during the interim between legislative sessions. Failure of the legislature to act to confirm or decline to confirm an appointment during the session in which the appointment was presented is tantamount to a declination of confirmation on the day the session adjourns.

(4) Pending confirmation or rejection of appointment by the legislature, persons appointed shall exercise the functions, and have the powers and be charged with the duties prescribed by law for the appointive positions or membership.

(Sec. 4 ch 64 SLA 1955; am secs. 1 - 3 ch 1 SLA 1964; am sec. 1 ch 2 SLA 1967; am sec. 1 ch 65 SLA 1974; am sec. 2 ch 82 SLA 1975)

Supervision  
Department  
Heads

in joint session, these orders become effective at a date thereafter to be designated by the governor.

SECTION 24. Each principal department shall be under the supervision of the governor.

SECTION 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the lieutenant governor. The heads of all principal departments shall be citizens of the United States.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Boards and  
Commissions

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

Recess  
Appointments

SECTION 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

#### ARTICLE IV

#### THE JUDICIARY

Judicial  
Power and  
Jurisdiction

SECTION 1. The judicial power of the State is vested in a supreme court, a superior court and the courts established by the legislature. The jurisdic-

tion of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

Supreme  
Court

SECTION 2. (a) The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

(b) The chief justice shall be selected from among the justices of the supreme court by a majority vote of the justices. His term of office as chief justice is three years. A justice may serve more than one term as chief justice but he may not serve consecutive terms in that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. Subsection (b) was added.)

Superior  
Court

SECTION 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

Qualifications  
of Justices  
and Judges

SECTION 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

Nomination  
and  
Appointment

SECTION 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Approval or  
Rejection

SECTION 6. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held

# Alaska State Legislature

## Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman  
Sen. Paul Fischer, Vice-Chairman  
Sen. Lloyd Jones  
Sen. Ailiss Sturqulewski  
Sen. Jim Duncan  
Sen. Fred Zhatoff  
Sen. Dick Ehasen

Box V  
Juneau, Alaska 99811  
(907) 465-4007

March 5, 1987

Senator Jan Faiks, President  
Alaska State Legislature  
Box V  
Juneau, Alaska 99811

Dear Madam President;

Pursuant to AS 39.05.080, the Senate Committee on Resources held public hearings, March 2, on the appointments of Judith Brady and Dennis Kelso as commissioners of the Department of Natural Resources and the Department of Environmental Conservation, respectively.

The Committee has no objection to the governor's appointment of Commissioner Kelso and Commissioner Brady.

Sincerely,

A handwritten signature in cursive script that reads "Jack Coghill". The signature is written in black ink and is positioned above the typed name and title.

Senator John B. Coghill  
Chairman

# Alaska State Legislature

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Sen. Lloyd Jones  
Sen. Arliss Sturgulewski  
Sen. Jim Duncan  
Sen. Fred Zharoff  
Sen. Dick Eliason

Box V  
Juneau, Alaska 99811  
(907) 465-4907

March 2, 1987

### MEMORANDUM

To: All Resource Committee Members

From: Committee Staff

Re: Confirmation Hearings

Today Commissioners Brady and Kelso will give brief statements of philosophy regarding their respective departments. The purpose of the hearing is to make recommendations and issue a report to the Senate President.

Included in your packet are:

Article III, Sec. 25 of the Alaska Constitution  
Procedures for All Appointments, AS 39.05.080

Resume of Judith Brady  
Duties of the Department of Natural Resources

Resume of Dennis Kelso  
Duties of the Department of Environmental Conservation

BACKGROUND INFORMATION:

JUDITH H. BRADY  
3842 Wesleyan  
Anchorage, Alaska 99508

• PERSONAL

Born, Bonners Ferry, Idaho, May 3, 1941; married, 1964 to Terry Brady, Tacoma, Wash.; three children.

• POSITIONS HELD

Editor, Associated Press, Spokane, Wash., 1961-1963  
Associate Editor, Fairbanks Daily News Miner, 1963-1966  
Editor, Review of Business & Economic Conditions, Institute of Social, Economic, and Government Research, University of Alaska, Fairbanks, 1967-1970  
Research Associate, Community Enterprise Development Corporation, Anchorage, 1970 - 1972  
Editor, Alaska Native Management Report, Alaska Native Foundation, 1972-1974  
Chief Administrative Judge, Alaska Native Claims Appeal Board, U.S. Department of the Interior, 1974-1982  
Executive Director, Commonwealth North, 1982-

COMMONWEALTH NORTH is a private, non-partisan organization of business and political leaders that makes recommendations on public policy issues facing Alaska. Three of Alaska's five Governors are founding board members.

THE ALASKA NATIVE CLAIMS APPEAL BOARD was a quasi-judicial board whose members were appointed by the Secretary of the Interior to hear and decide appeals on land selection decisions under the Alaska Native Claims Settlement Act. The Board decided title to over 13 million acres of land; no decisions were overturned during court appeal. The Chief Judge served as

the representative of the Secretary of the Interior and advised the Secretary on matters requiring broad policy determination. The Board's function was transferred to Washington D.C. in 1982.

THE ALASKA NATIVE FOUNDATION was established as the non-political arm of the Alaska Federation of Natives. The Alaska Native Management Report was developed to provide an information link between regional and village corporations, the Department of the Interior, and the private business community.

COMMUNITY ENTERPRISE DEVELOPMENT CORPORATION is a non-profit, private corporation established to provide financing and business support to Native-owned cooperative businesses in rural Alaska.

- CURRENT APPOINTMENTS

Governor's Engineering and Science Advisory Board, 1984  
Alaska Board of Marine Pilots, 1983-  
Port Commission, City of Anchorage, 1982-

- COMMUNITY SERVICE

Chairman, St. Anthony's Parish Building & Finance Committee  
Chairman, Venture Youth, Soroptimist International of Cook  
Inlet  
Member, MADD, Anchorage Chapter, 1981-  
Gymnastics Coach, Special Olympics, 1980-1983  
Lt. Gov., Alaska-Yukon Council Toastmasters International, 1980  
Teacher, CCD, St. Anthony's, 1971-1983  
Alaska Native Boarding Home Program Parent, 1968-69  
Board Member, Eskimo Olympics Committee, 1964-1967  
Board Member, Fairbanks Native Association, 1965-67

- EDUCATION

BA, Seattle University, 1963. Major: Journalism.

Dennis D. Kelso  
 2760 Douglas Highway  
 Juneau, Alaska 99801  
 (907) 364-3100

Date of Birth: October 19, 1947, Waterloo, Iowa

Education: Harvard University, Cambridge, Massachusetts, Juris Doctor, 1977.

Iowa State University, Ames, Iowa, Bachelor of Science in Psychology, 1969 (graduated with distinction, Honors Program, Phi Kappa Phi, All-University Senior Award).

Professional Experience:

DEPUTY COMMISSIONER, Alaska Department of Fish and Game, Juneau, Alaska (1983-present).

- ° Analyzed and developed policies for State of Alaska's management of fish, wildlife, and aquatic resources; administered related programs; served on Alaska Coastal Policy Council, Alaska Land Use Council, Fish and Game Bail Forfeiture Schedule Advisory Committee (Alaska Court System), and Governor's Mini-Cabinet on State Natural Resources Policy.
- ° Supervised programs and policies:
  - Division of Game (wildlife research and management; state game refuge, sanctuary and critical habitat area management);
  - Division of Habitat (land use planning, and regulation of activities in fish bearing waters);
  - Division of Subsistence (socioeconomic research and regulatory policy advice);
  - Division of Boards of Fisheries and Game (regulation of commercial, recreational, subsistence and personal uses of fish and wildlife);
  - Division of Administration (administrative and fiscal management);
  - Public Communications Section (publications, press contacts, and public service information); and
  - Special Assistant (legislative liaison).
- ° International and national resource issues:
  - Headed Alaska delegation in bilateral negotiations for agreement between U.S. and Canada on conservation of the Porcupine Caribou Herd and its habitat.

- Developed policy for Alaska's role in the implementation of the amendment to the migratory bird convention with Canada (Senate ratification pending).
- Participated in efforts of the Alaska Eskimo Whaling Commission at the International Whaling Commission, Bournemouth, England (1985), to revise the bowhead whale harvest quota under the International Convention for the Regulation of Whaling, 1946.
- Served as State of Alaska representative to the International Association of Fish and Wildlife Agencies; Alaska delegate; member of International Affairs, Migratory Wildlife, and Legislative Committees.
- Served as policy liaison on wildlife issues with Yukon Territory and Northwest Territories (e.g., International Agreement on the Conservation of Polar Bears).
- Directed policy for negotiation of Hooper Bay Agreement/Yukon Kuskokwim Delta Goose Management Plan, a domestic agreement to protect migratory goose species that nest in Alaska and winter in Washington, Oregon, California, and Mexico.
- Directed policy for designation of Izembek State Game Refuge as a Wetland of International Importance under the Convention on Wetlands of International Importance.

DIRECTOR, Division of Subsistence, Alaska Department of Fish and Game, Juneau, Alaska (January 1981-December 1982); REGIONAL SUPERVISOR (1980). Developed and implemented statewide research program on non-commercial use of fish and game in Alaska's rural, subsistence economies; provided policy and legal analysis, including recommendations on regulatory measures, to the Alaska Boards of Fisheries and Game and the Department of Law.

ASSISTANT PUBLIC DEFENDER, Alaska Public Defender Agency, Fairbanks, Alaska (August 1979-September 1980). Represented low-income criminal defendants in Interior and Arctic Alaska, one-quarter time in Barrow, other Inupiat communities of the North Slope, and Athabaskan villages of the Yukon River drainage.

LAW CLERK, Alaska Supreme Court (Clerk to Justice Rabinowitz), Fairbanks, Alaska (May 1977-July 1978).

#### Other Work Experience

LAW CLERK, Burr, Pease, and Kurtz, Anchorage, Alaska, (summer 1975).

PARALEGAL/INVESTIGATOR, Tysseling Law Office, Ames, Iowa (1972).

DIRECTOR OF COMMUNITY OUTREACH, Iowa State University YMCA, Ames, Iowa (1971).

PROGRAM ADVISOR, Office of the Dean of Students, Iowa State University, Ames, Iowa (1970).

RESEARCH ASSOCIATE, Iowa State University, Ames, Iowa (June-December 1969); Research Assistant (1967-69).

Research and Publications:

Alaska's Amended Subsistence Law: Policy Recognition of Wildlife Resource Use in Non-Commercial, Rural Economic Systems. Transactions of the International Association of Fish and Wildlife Agencies (1986) (in press).

Sharing Alaska's Wildlife: International Cooperation in Policy and Management. Alaska Fish & Game (November-December 1986) (in press).

Alaska Fish and Wildlife Management and the Public Trust Doctrine. Natural Resources and the Public Trust Doctrine, (1986).

Subsistence Use of Fish and Game Resources in Alaska: Considerations in Formulating Effective Management Policies. Transactions of the 47th North American Wildlife and Natural Resources Conference. The Wildlife Management Institute, 1982.

Subsistence Division: Two Years Later. Alaska Fish Tales and Game Trails, Fall 1981.

Federal Power to Protect Subsistence on the Public Lands: An Assessment of Legal Limits on Policy Choices in the Alaska Native Claims Settlement Act and Beyond. The Subsistence Lifestyle in Alaska Now and in the Future. University of Alaska, School of Agricultural and Land Resources Management, Special Publication 1, Fairbanks, 1979.

Legal Issues in Protection for Subsistence on the Proposed National Interest Lands. Unpublished. Harvard Law School, 1976; reprinted in H.R. Rep. No. 16, 95th Cong., 1st Sess. 273 (1977); cited in State v. Tanana Valley Sportsmen's Association, 583 P. 2d 854, 859-860 n. 18 (Alaska 1978).

Undergraduate Response. Journal of Phi Kappa Phi, Fall 1969.