

Confirmations

1991

BOARDS AND COMMISSIONS ACTION LIST

THROUGH: MAY 1991

FD = FINANCIAL DISCLOSURE REQUIRED LC = LEGISLATIVE CONFIRMATION REQUIRED

BOARD NAME POSITION	LAST NAME	FIRST NAME	APPOINTED	TERM DATE	FD	LC
ACCOUNTANCY BOARD CPA/PA	Bartlett	Thomas	87/07/07	91/04/25	Y	
ACCOUNTANCY BOARD Public	Marshall	Deborah	87/07/31	91/04/25	Y	
AGRICULTURAL LOAN FUND Agriculture	Dinkel	Donald	87/04/28	90/04/18	Y	
AGRICULTURAL LOAN FUND Agriculture	Forck	Charles	87/04/28	91/04/18	Y	
AGRICULTURAL LOAN FUND Public	Stewart	Geraldine	87/04/28	91/04/18	Y	
AGRICULTURAL LOAN FUND Agriculture/Farmer	Stratman	Omar	89/04/18	91/01/01	Y	
AGRICULTURAL LOAN FUND Agriculture	Tanner	Kristan	91/01/31	91/04/18	Y	
ALCOHOLIC BEVERAGE CONTROL Public	Durny	Andy	88/08/25	91/01/31	Y	Y
ALCOHOLIC BEVERAGE CONTROL Industry	Klein	Robert	88/08/25	91/01/31	Y	Y
AMATEUR SPORTS AUTHORITY Chair Position Only (from current members)	VACANT		0/00/00	91/01/00	Y	
ATHLETIC COMMISSION Public/2nd JD	Andersen	Stanley	86/02/10	91/05/14		Y
ATHLETIC COMMISSION AC/Commissioner	Carothers, Jr.	J. "Pat"	88/03/31	91/05/14		Y
ATHLETIC COMMISSION Public/3rd JD	Jackson, II	Brady	86/06/03	91/05/14		Y
BARBERS AND HAIRDRESSERS Barber	VACANT		0/00/00	92/01/01		Y
BIG GAME COMMERCIAL SERVICES Public	VACANT		0/00/00	93/06/30	Y	Y
BLOCK GRANTS ADVISORY E/Class Teacher	Bailey	Charmaine	88/05/06	91/01/31		

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BLOCK GRANTS ADVISORY School Counselor/Pupil Serv. Pers.	VACANT		0/00/00	92/07/01		
BLOCK GRANTS ADVISORY Elem/SecPrivateSchoolRep	VACANT		0/00/00	93/01/31		
BLOCK GRANTS ADVISORY Legislature	VACANT		0/00/00	94/01/31		
BLOCK GRANTS ADVISORY Administrator	VACANT		0/00/00	94/01/31		
BROADCASTING COMMISSION Public/Restricted	VACANT		0/00/00	95/08/25	Y	
COMMERCIAL FISHERIES ENTRY Chair Position Only (from current members)	Twonley	Bruce	83/07/01	91/02/01		
COMMERCIAL FISHING/AGRICULTURE PARK Governor's Appointment	Gunderson	Gilbert	86/04/14	91/03/00		
DENTAL EXAMINERS Hygienist	Shryock	Sondra	88/02/19	91/02/01		Y
DENTAL EXAMINERS Dentist	Tauschek	Terrence	87/10/21	91/02/01		Y
DISPENSING OPTICIANS Optician	VACANT		0/00/00	93/06/14		Y
EMPLOYMENT SECURITY ADVISORY Employer Representative	Bell Graves	Jo Anne	88/08/02	91/01/31		Y
FEDERAL AREAS Public	Ackels	Del	83/05/02	90/12/31		
FEDERAL AREAS Public	Cassidy	Charles"Bud"	88/09/07	90/12/31		
FEDERAL AREAS Public	VACANT		0/00/00	93/12/31		
FISHERMEN'S FUND ADVISORY District 3	Zharoff	Yvonne	87/09/08	91/01/31		Y
HANDICAPPED AND GIFTED Legislator (Governor Appointment)	VACANT		0/00/00	93/06/30		

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BOARD NAME POSITION	LAST NAME	FIRST NAME	APPOINTED	TERM DATE	FD	LC
HEALTH CARE TASK FORCE, UNIVERSAL Public/Restricted (Eff. 2/1/91)	VACANT		0/00/00	0/00/00		
HEALTH CARE TASK FORCE, UNIVERSAL Public/Restricted (Eff. 2/1/91)	VACANT		0/00/00	0/00/00		
HEALTH CARE TASK FORCE, UNIVERSAL Public/Restricted (Eff. 2/1/91)	VACANT		0/00/00	0/00/00		
HEALTH CARE TASK FORCE, UNIVERSAL Public/Restricted (Eff. 2/1/91)	VACANT		0/00/00	0/00/00		
HEALTH CARE TASK FORCE, UNIVERSAL Public/Restricted (Eff. 2/1/91)	VACANT		0/00/00	0/00/00		
HEALTH CARE TASK FORCE, UNIVERSAL DOA/Div. of Ret. & Benefits Rep/Non-voting	VACANT		0/00/00	0/00/00		
HEALTH CARE TASK FORCE, UNIVERSAL DOA/Div. of Insurance Rep/Non-voting	VACANT		0/00/00	0/00/00		
HEALTH CARE TASK FORCE, UNIVERSAL Office of the Governor Rep./Non-voting	VACANT		0/00/00	0/00/00		
HEALTH CARE TASK FORCE, UNIVERSAL DHSS/Dept. Rep./Non-voting	VACANT		0/00/00	0/00/00		
HISTORICAL COMMISSION Society/Recommend	Knapp	Marilyn	83/10/19	90/12/31		
HISTORICAL COMMISSION Society/Recommended	Tower	Elizabeth	90/02/14	90/12/31		
HISTORICAL RECORDS ADVISORY Public/Historical	Brenner	M. Diane	82/10/05	91/05/10		
HISTORICAL RECORDS ADVISORY Public/Historical	McCarthy, Jr.	Paul	79/12/19	91/05/10		
HUMAN RIGHTS Public	VACANT		0/00/00	96/01/31	Y	Y
JOB TRAINING COUNCIL Public Agency/Local Education Agency/Postsecondary	VACANT		0/00/00	91/08/23		
JUDICIAL CONDUCT Attorney/Governor's Appointment	Brown	Patrick	87/04/10	91/04/28	Y	Y

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JUDICIAL CONDUCT Attorney/Governor's Appointment	Hanley	James	87/04/10	91/04/28	Y	Y
JUDICIAL CONDUCT Public/Governor's Appointment	Weiler	Charles	85/11/13	90/12/31	Y	Y
JUDICIAL COUNCIL Public/Governor's Appointment	Henrickson	Hilbert	85/08/13	91/05/18	Y	Y
JUDICIAL COUNCIL Public/Governor's Appointment	VACANT		0/00/00	95/05/18	Y	Y
JUVENILE JUSTICE/FAMILY SERVICES ADVISORY Public	Carnahan	Roberta	83/03/22	91/03/01		
JUVENILE JUSTICE/FAMILY SERVICES ADVISORY Juvenile/Under 24	Gourley	Danielle	90/10/08	91/03/01		
JUVENILE JUSTICE/FAMILY SERVICES ADVISORY Juvenile/Under 24	Platt	Bryan	88/08/30	91/03/01		
JUVENILE JUSTICE/FAMILY SERVICES ADVISORY Public	Ray	Colleen	89/01/09	91/03/31		
JUVENILE JUSTICE/FAMILY SERVICES ADVISORY Juvenile/Under 24	VACANT		0/00/00	93/03/01		
LIBRARIES ADVISORY Library User Rep.	Cole	Terrence	88/02/26	91/01/01		
MEDICAL INDEMNITY CORPORATION Public	VACANT		0/00/00	92/07/01		
NATIVES, JOINT FEDERAL-STATE COMMISSION Alaska Native (by Governor)	VACANT		0/00/00	0/00/00		
NATIVES, JOINT FEDERAL-STATE COMMISSION Public (by Governor)	VACANT		0/00/00	0/00/00		
NATIVES, JOINT FEDERAL-STATE COMMISSION Public member or State official (by Governor)	VACANT		0/00/00	0/00/00		
NATIVES, JOINT FEDERAL-STATE COMMISSION Public member or State official (by Governor)	VACANT		0/00/00	0/00/00		
NURSING Registered Nurse	Buness	Janet	86/08/07	91/03/31		Y

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NURSING LPN	Hewitt	Kathi	88/08/02	91/03/31		Y
NURSING Public	Waskey	Georgianna	86/08/07	91/03/31		Y
OUT-OF-HOME CARE REVIEW PANEL (LOCAL) Public/Restricted/2nd JD	VACANT		0/00/00	93/06/30		
OUT-OF-HOME CARE REVIEW PANEL (LOCAL) Public/Restricted/2nd JD	VACANT		0/00/00	93/06/30		
OUT-OF-HOME CARE REVIEW PANEL (LOCAL) Public/Restricted/2nd JD	VACANT		0/00/00	92/06/30		
OUT-OF-HOME CARE REVIEW PANEL (LOCAL) Alternate/2nd JD	VACANT		0/00/00	93/06/30		
OUT-OF-HOME CARE REVIEW PANEL (LOCAL) Alternate/2nd JD	VACANT		0/00/00	93/06/30		
OUT-OF-HOME CARE REVIEW PANEL (LOCAL) Alternate/3rd JD	VACANT		0/00/00	93/06/30		
PHARMACY BOARD Pharmacist	White	Trish	89/08/21	91/04/01		Y
POLICE STANDARDS COUNCIL Chief/Admin.	Clayton	Kevin	85/10/21	90/12/18		
POLICE STANDARDS COUNCIL Chif/Admin.	VACANT		0/00/00	93/12/18		
POSTSECONDARY EDUCATION Student Representative	Cox	Dorothy	90/07/26	91/05/31		Y
PUBLIC EMPLOYEES' RETIREMENT BOARD Physician/1st JD	VACANT		0/00/00	0/00/00	Y	N
PUBLIC OFFICES COMMISSION Public/Restricted/R	Howard	Annie Laurie	86/02/05	91/02/01	Y	Y
REAL ESTATE COMMISSION Broker at Large	Johnson	Ronald	87/06/15	91/01/31		Y
REAL ESTATE COMMISSION Broker/3rd JD	Wickersham, Jr.	Kirk	87/04/10	91/01/31		Y

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REAL ESTATE COMMISSION Public	Wille	Paulette	87/06/15	91/01/31		Y
RECREATION RIVERS ADVISORY Forest Products	VACANT		0/00/00	92/06/09		
REGENTS Student Representative	Reeve	Mary	90/10/23	91/05/31	Y	Y
ROYALTY OIL/GAS DEVELOPMENT Public/Restricted	Marshall, Jr.	Thomas	88/05/12	91/03/14		Y
TEACHERS' RETIREMENT BOARD Public	Covington	Garris "Bob"	85/03/08	91/01/31		Y
TEACHERS' RETIREMENT BOARD Physician/1st JD	VACANT		0/00/00	0/00/00		Y
VETERINARY EXAMINERS Veterinarian	Johnson	Virginia	89/03/10	91/01/31		Y
VIOLENT CRIMES Attorney	Ingraham	Millard	84/12/16	90/12/15		Y
VOCATIONAL/CAREER EDUCATION Special Education/Vocational Rehabilitation	VACANT		0/00/00	93/06/30		
VOCATIONAL/CAREER EDUCATION Postsecondary Education	VACANT		0/00/00	91/06/30		
VOCATIONAL/CAREER EDUCATION Guidance Counseling	VACANT		0/00/00	92/06/30		
0091 TOTAL RECORDS						



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

Date

5/15/91

The Honorable Dick Eliason
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

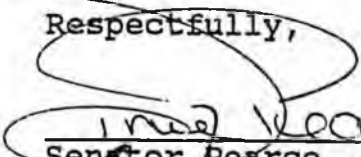
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee reviewed the following with regard to confirmation of the Governor's appointment:

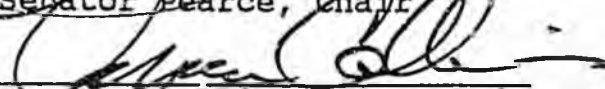
Alaska Public Utilities Commission
Schroer, Don - Anchorage
Term began 1/23/91 expires 10/31/96

There were no stated objections to the confirmation of the named individual by committee members. This does not reflect an intent by any of the members to vote for or against him during any further sessions.

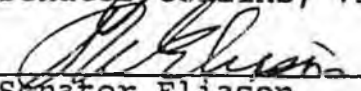
Respectfully,



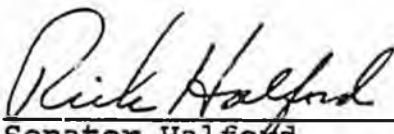
Senator Pearce, Chair



Senator Collins, Vice-Chair



Senator Eliason



Senator Halford

Senator Kerttula

DON SCHROER
1035 W. Firweed
279-2522

Personal

Date of birth 11-27-26
Resident of Anchorage since March of 1952
Married/6 adult children

Business

Licensed Real Estate Broker since 1957
Licensed Insurance Agent since 1958
President of Schroer-Fink Agency since 1968

Education

High School diploma 1944
C.L.U. (Charter Life Underwriter) degree 1966
The C.L.U. degree is a five year program. To obtain this degree one must complete courses in financial management, investments, principles of business laws, economics, personal finance, estates & trusts, and estate planning taxation.

Affiliations

Present member of Anchorage Water & Waste Water Advisory Commission
Former member of Alaska Real Estate Commission (8 years, Chairman 6½ years)
Past President of Anchorage International Rotary Club
Past President of Anchorage Estate Planning Council
Current Treasurer of Anchorage Lutheran Church
Past Board member of Anchorage Chamber of Commerce
Past President of Life Underwriters state & local associations
Member of American Society of C.L.U.'s
Former and/or present member of a number of other community and sports organizations

February 27, 1991

Drue -

RE: APUC APPOINTMENTS

Attached is package from House Judiciary. (They were very helpful as was Susie Barnett of Pourchot's staff.)

The issue on the Sokolov appoint seems to be does common knowledge of an appointment constitute justification for the Legislature to hold confirmation hearings. In spite of the fact that Cowper sent a letter of congratulations to Sokolov and the Boards & Commissions roster showed him with a term of office, no letter requesting confirmation was ever forwarded by Cowper or Hickel. The package includes interesting case law on both sides of the issue.

A subsidiary issue, and the one Pourchot seems more interested in, is whether confirmation by the legislature is specific to a designated seat on a board or commission. In order to appoint Schroer to APUC, a member of the commission had to be moved from a public seat to a technical seat since Schroer does not have technical qualifications. Should that movement be subjected to legislative confirmation?

The APRN article quotes Grussendorf as supporting compromise and delaying any legal challenges until negotiations take place, in spite of the recommendation to the contrary by the House Judiciary Committee.

Rod

February 26, 1991


Drue -

APUC

I spoke with Nancy Quinto. The Senate never received a letter from Cowper submitting Sokolov's name for confirmation. They did however receive a roster indicating that Sokolov was serving as chair and his term dates.

I mentioned to Halford's office that we would like to hold a joint hearing on Schroer. They seemed amenable and we will schedule a mutual date when Doug Bailey returns to Juneau.

I am working with Pouchot's office to determine what they have found out about the process. (They have spent a lot of effort on the topic.)

TO: Drue
FROM: Rod 
Date: January 25, 1991
RE: APUC Appointment

Attached is article and opinions from Legislative Counsel and the Attorney General's Office.

What it boils down to is the Governor appointed Schroer and withdrew Sokolov. The controversy centers around whether Cowper's actions before leaving office amounted to an appointment or a nomination.

Luckhaupt argues, rather convincingly, that the action was an appointment that only negative action by the Legislature can reverse.

A.G. Jim Baldwin, arguing Sheffield's removal of Mike Whitehead from the Limited Entry Commission, that Hammond's actions were only a nomination. He cites little precedent and, since the case was settled out of court, sets little precedent.

Rodger Pegues, then assistant AG, responding to an informal request by Vicki Clayman, Hammond's Boards and Commissions person, says that any actions by a governor are merely nominations subject to legislative action. Even though Vicki was working for me at the time, I can't recall why we asked the question. As with the Baldwin opinion, little supporting case precedent is cited.

Could be interesting.



TELECOPY COVER SHEET

SENATOR DRUE PEARCE'S OFFICE

Office Phone (907) 465-4993 FAX (907) 463-5352

TO: RON DUNNAN - GCI Fax: 265-5676
Phone: 265-5620

ATTN: _____

TRANSMITTED BY: ROD MOURANT - SEN. PEARCE

DATE: 1/25/91

RE: APUC

COMMENTS: PLEASE DELIVER TO RON
ASAP THANK YOU.

NUMBER OF PAGES: 11 (INCLUDING cover sheet)

Alaska State Legislature



House of Representatives
House Judiciary Committee
Chairman Dave Donley

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

April 24, 1991

Representative Ben Grussendorf
Speaker of the House
P.O. Box V - State Capitol
Juneau, AK 99811

Dear Mr. Speaker:

On February 4th and 20th, 1991, the House Judiciary Committee held hearings to review the governor's power to appoint and remove members of the Alaska Public Utilities Commission. Based on the information and arguments presented during the hearings and on materials provided by the Attorney General and Legislative Counsel the committee made a number of findings applicable to the subject.

The House Judiciary Committee recommends against the confirmation of the appointment of Don Schroer to the consumer seat on the Alaska Public Utilities Commission and for the confirmation of Peter Sokolov to the engineering seat. The committee wishes to make no judgment on Mr. Schroer's qualifications for office. The reasons for our recommendation against his appointment are set forth below.

Governor Cowper reappointed Peter Sokolov to the commission upon the October 31, 1990, expiration of his previous term. The reappointment was made on November 8, 1990, for a six year term on the commission under Article III, Section 26, of the Alaska Constitution and AS 42.05.020. (Footnote #1) A copy of Mr. Sokolov's letter of appointment was sent to the Chief Clerk of the House of Representatives and to the Senate Secretary.

Although Governor Hickel later attempted to appoint Don Schroer to the APUC (Footnote #2) and to remove Mr. Sokolov from the commission, AS 42.05.035 clearly states that an APUC commissioner may only be removed from office "by and with the consent of a majority of the legislature."

Because the governor did not request that the legislature consent to the removal of Mr. Sokolov and because he was reappointed by former Governor Cowper in the manner provided by the constitution and by statute, our conclusion is that Mr. Sokolov is presently a member of the commission and his confirmation is legally before the Alaska Legislature. (Footnote #3)

The House Judiciary Committee finds that the governor should have submitted a request for legislative consent to the removal of Peter Sokolov as an APUC Commissioner. (Footnote #4)

The Alaska Public Utilities Commission does not now have a vacancy as defined by AS 42.05.030. A replacement appointee cannot be considered until the original appointee is removed as provided by law. (Footnote #5)

In addition to the above, another issue was discussed by the committee on April 17, 1991, and the committee found the following:

Peter Sokolov was reappointed, under AS 42.05.040, to the engineering seat on the APUC for a six year term upon the expiration of his first term by Governor Cowper. Mr. Sokolov took office and exercised the duties of his office until his purported dismissal by Governor Hickel.

Mark Foster was appointed and confirmed by the legislature to a consumer seat for a six year term approximately four years ago. On January 23, 1991, Governor Hickel attempted to remove Mr. Foster from his consumer seat and appoint him to the engineering seat which was opened up by Mr. Sokolov's dismissal. (Footnote #6) The governor then appointed Don Schroer to Mr. Foster's consumer seat.

Since the legislature has the constitutional authority to designate by law the qualifications for appointees to certain boards and commissions (Footnote #7), and since doing so has the effect of designating seats for individuals with those qualifications (Footnote #8), the switching of a board member from one seat to another constitutes the removal and reappointment of the member. (Footnote #9) To allow the switching of seats would prevent the legislature from exercising its constitutional duty to review the appointments of the governor to ensure that qualified people

Representative Grussendorf
April 24, 1991
Page 3

are being placed in control of important government functions. (Footnote #10)

We now conclude that the switching of an appointee, who was confirmed because he possessed certain qualifications for office, to another position requiring different qualifications constitutes a removal from the first position and a new appointment to the other position, which necessitates confirmation by the legislature to that other position. (Footnote #11)

Mr. Schroer's name is not properly before the legislature because there is no vacancy on the commission. (Footnote #12) Therefore, we find that only Mr. Sokolov's name is before the legislature for confirmation. (Footnote #13) Even if Mr. Sokolov had been properly removed from the engineering seat, Mr. Schroer could not be nominated to fill Mr. Sokolov's position because he does not possess the requisite engineering qualifications.

Attached you will find copies of the relevant constitutional and statutory provisions, as well as copies of opinions from our legal counsel and the Department of Law which bear on the issues raised by Mr. Sokolov's case.

Sincerely,

A handwritten signature in cursive script that reads "Dave Donley". The signature is written in dark ink and is positioned below the word "Sincerely,".

Representative Dave Donley, Chair
House Judiciary Committee

DD/hk

FOOTNOTES

- 1 See copy of November 8, 1990, letter from Governor Cowper to Peter Sokolov; copy of Art. III, Sec. 26, Alaska Constitution; AS 42.05.020.
- 2 See copy of January 23, 1991, letter from Peter Sokolov to Don Tanner.
- 3 Luckhaupt, "Status of governor's appointment to APUC", December 26, 1990, pp. 2-4.
- 4 Id. at p. 2.
- 5 Id. at p. 4.
- 6 See copy of April 9, 1991, letter from Mark Foster to Representative Donley.
- 7 Luckhaupt, "Legislative Designation of Qualifications for Members of Boards and Commissions", February 19, 1991, pp. 3 - 4; April 23, 1981, informal opinion of the Attorney General from R. Pegues to Helen Beirne; August 13, 1979, informal opinion of the Attorney General from R. Pegues to Governor Hammond; May 24, 1988, bill review letter regarding HCS CSSB 192(Res) from G. B. Schaible to Governor Cowper.
- 8 Luckhaupt, "Governor's Power to Switch APUC Seats", March 1, 1991, pp. 1 - 2.
- 9 Id. at pp. 1 - 2.
- 10 Id. at p. 2.
- 11 Id. at pp. 1 - 2.
- 12 "Status of governor's appointment to APUC", at pp. 1 - 2.
- 13 Id. at p. 4.

Military Authority.

Commander-in-chief of the armed forces of the State. He shall have the power to execute the laws, suppress or prevent insurrection, violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other

Martial Law.

The governor may proclaim martial law when the public safety requires it in the event of an actual or imminent invasion. Martial law shall not remain in force longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Executive Clemency.

As prescribed by law, the governor may grant pardons, reprieves, and may suspend and remit fines and penalties. A parole system shall not extend to impeachment. A parole system shall not extend to impeachment. A parole system shall not extend to impeachment.

Executive Branch.

The governor shall have the power to reorganize the executive branch of government, including administrative offices, departments, and agencies of the State, and their respective functions, powers, and duties, and to group them as far as practicable according to law among and within not more than twenty principal departments, regulatory, quasi-judicial, and temporary agencies may be created, and need not be allocated within a principal

Reorganization.

The governor may make changes in the organization of the executive branch of government, including the reassignment of functions among its units which he deems necessary for efficient administration. Where these changes are made, they shall be set forth in executive orders. The governor shall submit these executive orders to the legislature for approval within ten days of a regular session, or a full session if of a special session. Unless disapproved by a majority of the members in joint session, the executive orders shall become effective at a date thereafter to be desig-

Section 24 - Supervision.

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

Section 25 - Department Heads.

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 secretary of state. The heads of all principal departments shall be citizens of the United States.

Revisor's note - Senate Joint Resolution No. 2, "changing the name of the secretary of state to lieutenant governor" in 16 sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.

Section 26 - Boards and Commissions.

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.

Section 27 - Recess Appointments.

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.

January 31, 1991

SENT VIA TELECOPIER

Don Tanner, Director
Boards and Commissions
Office of the Governor
State of Alaska
P.O. Box A
Juneau, Alaska 99811-0101

Dear Mr. Tanner:

This is in response to your January 29, 1991 letter, in which you informed me that Governor Hickel is attempting to withdraw my reappointment to the Alaska Public Utilities Commission, and to replace me on the Commission effective January 23, 1991.

I was lawfully appointed to the Commission, and may not be summarily removed. Furthermore, the Alaska State Legislature has the right and the responsibility to decide whether or not to confirm my appointment. I believe that my appointment has already been submitted to the Legislature for confirmation, and I request that no action be taken to prevent the Legislature from carrying out its responsibilities. If my name has not been submitted, then I request that it be submitted, as the law requires.

While I believe that the action taken by the Governor's Office is illegal, I also do not believe that it is in the public interest to become involved in a personal confrontation with the Governor's Office. I will therefore physically vacate the premises where my office is located, as you request. I also will comply with any reasonable request for my continued assistance in seeing that the duties and responsibilities of the Commission are carried out. At the same time, I reserve all of my rights under law, including the right to be reinstated to my position on the Commission. I will immediately resume the performance of my duties on the Commission upon notification of my reinstatement.

Sincerely yours,

Peter Sokolov

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

ALASKA PUBLIC UTILITIES COMMISSION
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

1016 WEST 6TH AVENUE
SUITE 400
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-6222

April 9, 1991

Representative Dave Donley
P. O. Box V
Juneau, Alaska 99811
VIA FAX: 465-2299

Dear Representative Donley:

Per a request from your office inquiring as to the process used to change the "seat" I was designated to fill on the Alaska Public Utilities Commission from consumer to engineer, I offer the following:

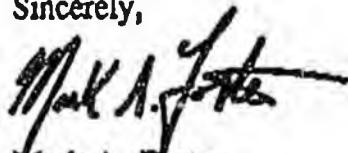
January 22, 1991, 8:35pm - Don Tanner, Director of Boards and Commissions, left a message to call.

January 23, 1991, 8:45am - I called Don Tanner. He wanted to "make me aware" that they were changing my "definition from the at-large seat to the engineers seat" effective today. He indicated my term would remain unchanged and confirmed that it would still expire October 31, 1993. He offered no further elaboration.

I have received no additional verbal or written communications from Mr. Tanner or other members of the administration on the topic.

If you have any questions, please call me at 276-6222.

Sincerely,



Mark A. Foster,
Commissioner

cc: Don Tanner, Director, Boards and Commissions

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COMMISSIONERSHIPS - ALASKA PUBLIC UTILITIES ACT OF 1970
(AS 42.05)

TERM(6YR)	NAME	APPOINTED	EXPIRED	RESIGNED
<u>LEGAL CHAIR</u>				
(1)	John M. Stern	1971	1976	1973
	B. Richard Edwards	1974	1976	
(2)	Stuart C. Hall	1976	1983	
(3)	Louis E. Agi	1983	1989	
(4)	Daniel Patrick O'Tierney	1989	1994	
<u>BUSINESS CHAIR</u>				
(1)	Gordon J. Zerbetz	1968*	1974	
(2)	Gordon J. Zerbetz	1974	1980	
(3)	Diana E. Snowden	1981	1986	1985
	Kathleen L. Whiteaker	1985	1986	
(4)	Kathleen L. Whiteaker	1986	1992	1990
	Donald F. May	1990	1992	
<u>ENGINEERING CHAIR</u>				
(1)	James R. Hendershot	1971		1975
	Marvin R. Weatherly	1975		1975
(2)	Marvin R. Weatherly	1978	1984	
(3)	Marvin R. Weatherly	1984	1990	1987
	Peter Sokolov	1987	1990	
(4)	Peter Sokolov	1990	1996	1991**
	Mark A. Foster	1990	1993***	
<u>CONSUMER CHAIR (2)*****</u>				
(1)	Susan M. Knowles	1975	1981	
(2)	Susan M. Knowles	1981	1987	
(3)	Susan M. Knowles	1987	1993	
(1)	Carolyn S. Guess	1975	1981	
(2)	Carolyn S. Guess	1981	1987	
(3)	Carolyn S. Guess	1987	1993	1990
	Mark A. Foster	1990	1993****	
(4)	Don Schröer	1991	1996	

- * Originally appointed to Alaska Public Service Commission.
- ** Appointed by Gov. Cowper - not appointed by Gov. Hickel.
- *** Moved to Engineering chair by Gov. Hickel.
- **** Appointed by Governor Hickel to fill vacancy in Engineering.
- ***** Amended legislation of AS 42.05 in 1975 increased the number to five members and provided for 2 (Consumer Commissioners).

DIVISION OF LEGAL SERVICES

DEC 31 1990

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

*P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029*

*Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101*

M E M O R A N D U M

December 26, 1990

SUBJECT: Status of governor's appointment to APUC
(W.O. No. 7-LS0360)

TO: Representative Kay Brown

FROM: Jerry Luckhaupt
Legislative Counsel

You have asked for an opinion on the status of the appointment by Governor Cowper in November of a commissioner to the Alaska Public Utilities Commission: Is the appointment binding on the new administration? May the appointment be withdrawn by the new governor prior to confirmation by the legislature?

To answer your questions we must first look to art. III, sec. 26 of the Alaska Constitution which states:

When a board or commission is at the head of a principal department or 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.

AS 39.05.080(4) provides:

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.

Based upon the plain language of these provisions, if the public utilities commission is a "regulatory or quasi-judicial agency" for purposes of art. III, sec. 26 (as it appears to be), and if the commissioner: (1) has received a commission from Governor

Cowper, as provided in AS 39.05.035; (2) has executed his constitutionally required oath of office and filed it with the lieutenant governor as required by art. XII, sec. 5 of the Alaska Constitution and AS 39.05.040; and (3) has embarked upon and is exercising the duties of his office; it appears his appointment is binding upon the subsequent administration and he may only be removed as provided by law, subject, of course, to the legislature's authority to confirm or fail to confirm him. A member of the Alaska Public Utilities Commission may only be removed from office by the governor "by and with the consent of a majority of the legislature." AS 42.05.035. Absent removal by Governor Hickel, and consent to remove by a majority of the legislature, the commissioner is entitled to retain his office subject to the legislature's decision to confirm.

Support for this conclusion is found in the plain language of the Constitution and in the court decisions. The Constitution recites in art. III, sec. 26 that the members of those boards or commissions shall be "appointed" by the governor. To determine the meaning of "appointed" we can look to other provisions of the Constitution for assistance. Article II, sec. 5 of the Constitution refers to the terms "nominated", "elected", or "appointed" as exclusive alternatives which are "clearly intended to catalogue the routes by which one may attain an 'office or position of profit'". Beigich v. Jefferson, 441 P.2d 27, 32 (Alaska 1968). In Alaska, "appointed" clearly does not mean "nominated".

In Division of Elections v. Johnstone, 669 P.2d 537, 539-540 (Alaska 1983) the supreme court held that the term appointment as used in the Constitution means "to designate for office." The court also found that the appointment of a superior court judge was effective on the completion of the "last act" of the appointing authority, in that case, the letter of appointment issued to the judge by the governor.

The court cited McChesney v. Sampson, 232 Ky. 395, 23 S.W.2d 584 (1930) in support of this proposition. In McChesney, the Kentucky Supreme Court was confronted with a situation where the governor, having the authority to appoint members of a board subject to confirmation by the Senate, appointed in the interim (between sessions of the legislature), McChesney who entered upon and performed the functions of the office. Several months later, before the legislature had again convened, the governor removed McChesney without cause and appointed another person. McChesney sued to retain his office. The court held that the governor's purported removal of McChesney was illegal. The court stated that the governor by naming and appointing McChesney had exhausted his power to appoint and performed the "last act" necessary to vest McChesney with his office, subject only to the state senate's authority to confirm or fail to confirm and to the governor's authority to remove McChesney for cause as provided by law. The court further contrasted the situation where an officer is "appointed" subject to confirmation by the legislature (as exists in Alaska by art. III, sec. 26 of the Constitution) with the situation where an officer is "nominated" subject to confirmation (as exists for federal appointments) and said:

Furthermore, in cases where the nomination must be confirmed before the officer can take the office or exercise any of its functions, the power of removal is not involved and nominations may be changed at the will of the executive until title to the office is vested. But under our system the appointee of the Governor takes the office, enters upon the performance of its duties, and is charged with responsibility. He holds then subject alone to the action of the Senate. His status is not that of a nominee awaiting confirmation, but that of an officer invested with the powers, privileges, and responsibilities of the position until the Senate acts. A recall of his designation would operate as a removal from office. It is argued that appointment to the office consists of two separate acts, one by the Governor and one by the Senate, and until both have acted there is no appointment such as to bring the incumbent within the protection of the law. Even so, the two powers do not act concurrently, but consecutively, and action once taken and completed by the executive is not subject to reconsideration or recall . . . What, then, constitutes an appointment insofar as the chief executive has to do with it? Appointment to an office by one possessing the appointing power is the designation of another person to discharge the duties of the office. [Citation.] It is completed when the appointing authority has performed the acts incumbent upon him to accomplish the purpose. [Citations.] The fact that the title to the office, and the tenure of the officer, are yet subject to the action of the Senate, does not render incomplete the act of the chief executive in making the appointment. The appointment alone confers upon the appointee for the time being the right to take and hold the office, and constitutes the last act respecting the matter to be performed by the executive power. [Emphasis supplied].

McChesney, *supra*, at 587.

The court concluded by stating: "Such power as flows from the act of the Governor in making the appointment is invested by the statute in the appointee, and may not thereafter be recalled or bestowed upon another unless the consent of the Senate is withheld." See also Barrett v. Duff, 114 Kan. 244, 217 P. 918 (1923).

The rule discussed in McChesney v. Sampson has been variously stated by courts and commentators to be the "majority rule", the "general rule", and to be "universally held." See e.g., Barrett v. Duff, *supra*; State v. Essling, 128 N.W. 2d 307, 311 (Minn. 1964) ("well settled"); State v. Brewster, *supra*; 89 ALR 135 ("general rule").

McChesney and the rule discussed in it are based upon Marbury v. Madison, 1 Cranch 137, 5 U.S. 137, 159-60, 2 L.Ed 60, 68-69 (1803) in which Justice Marshall stated:

[W]hen the officer is not removable at the will of the executive, the appointment is not revocable, and cannot be annulled. It has conferred legal rights which cannot be resumed. The discretion of the executive is to be exercised until the appointment has been made. But having once made the appointment, his power over the office is terminated in all cases, where by law the officer is not removable by him.

While the principle of a strong executive is embraced by our Constitution and recognized by our courts, Bradner v. Hammond, 553 P.2d 1, 3, n.3 (Alaska 1976), that principle does not mandate a different conclusion than that reached by the United States Supreme Court, the McChesney court and their progeny. To state that a subsequent governor has the authority to recall the appointments of a previous governor, absent constitutional or statutory authority, would render appointments to office personal to the particular governor and his term. This is contrary to our Constitution which establishes an office of governor and provides for succession to that office. Under our constitution there is a governor and a governor there will always be, though the individuals occupying the office may come and go. See e.g., People v. Shawver, 30 Wyo. 366, 222 P. 11 (1924); Barrett v. Duff, *supra*; State v. Brewster, 84 S.E.2d 231, 246 (W. Va. 1954); Tappv v. State, 82 So.2d 161, 169 (1955).

Clearly, if the APUC commissioner has been appointed by Governor Cowper, has received his commission and executed and filed his oath, and has embarked upon the duties of his office his appointment may not be revoked or recalled and he may be removed only as provided in AS 42.05.035, subject, of course, to the legislature's decision to confirm him or not to confirm him.

Be advised that the Attorney General has issued two memoranda of advice (attached hereto) that appear to conflict with this opinion. The first, issued in 1979, dealt with a reappointment of a board member by an outgoing governor to a term to commence after the outgoing governor has left office. The other memorandum issued in 1983, does not acknowledge the limited nature of this earlier memorandum and alerts the reader that the memoranda are without authority. These memoranda were issued prior to the Johnstone decision cited in this opinion. The vitality of these memoranda are questionable considering their lack of authority, this opinion, and the settlement by the state of a lawsuit filed by Michael Whitehead appointed by Governor Hammond to a position on the Commercial Fisheries Entry Commission prior to Governor Hammond leaving office. Mr. Whitehead was replaced by Governor Sheffield and he sued. It is my understanding that the state settled the case.

GPL:mi:gc:mi
90-019.mai

Enclosure

Vicki A. Clayman
Office of the Governor

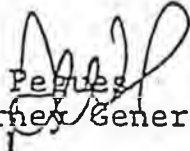
DATE: December 10, 1979

FILE NO: J-66-334-80

TELEPHONE NO:

AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Reappointments to
boards or commissions

By: 
Rodger W. Pegues
Assistant Attorney General

You have asked whether, prior to the expiration of his own term, the Governor can make reappointments of members of boards or commissions whose terms expire thereafter. You also ask whether, if that is the case, the new Governor can revoke the reappointment and appoint someone else.

We believe that the answer to both questions is yes.

When a term for an office is set by law, the term continues until its conclusion, regardless of the actual tenure of any person who may hold the office from time to time. Thus, when an incumbent leaves office prior to the expiration of his term, his successor is appointed for the remainder of that term, and the successor must be reappointed if he is to hold the position beyond the end of that term. Accordingly, no matter what an incumbent may do, his term continues until its prescribed end.

Nothing, however, precludes the Governor, as appointing authority, from anticipating the end of terms of office and making present appointments to fill the offices as those terms expire in the near future. Indeed, he is required to do this during each session of the legislature with respect to offices which have terms which will expire before July 2, and to submit the names of his appointees to the legislature for confirmation. AS 39.05.030(1). Hence, the Governor, even though he may be leaving office in early December, may make appointments for terms which begin the following January.

If the appointments are subject to confirmation, they are not complete until the legislature confirms them. Prior to confirmation, the new Governor may withdraw the nomination. And indeed, he need not even submit it and can merely revoke the nomination outright. If the appointments are not subject to nomination, they take effect when the appointee qualifies and takes office. That cannot happen until the new term for the office begins. Until that time,

Ms. Vicki A. Clayman
December 10, 1979
Page #2

the appointment can, as a general rule, be revoked.

It is probably because each new Governor has the power to countermand any appointive actions taken by each outgoing Governor which remain pending that the latter have not established a history of making midnight appointments to terms of office which begin after they leave office. Where, as in the famous case of Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803), the appointments can be accomplished in their entirety before the expiration of the appointing authority's own term of office, midnight appointments make some sense. But where they remain pending, they will have been futile unless the incoming chief executive approves of them as well.

RWP/pjg

MEMORANDUM

State of Alaska

TO: Kevin Bruce, Special Assistant
Office of the Governor

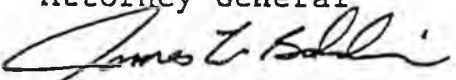
DATE: February 3, 1983

FILE NO: 366-391-83

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Withdrawal of
appointment


By: James L. Baldwin
Assistant Attorney General
Governmental Affairs-Juneau

You have asked if Governor Sheffield may refuse to forward to the legislature the name of a person appointed by the former governor to an office in the executive branch of state government.

We have attached a copy of our earlier memorandum of advice of December 10, 1979. In that memorandum we advised the governor that he may remove a person before confirmation by withdrawing the nomination, or if the name has not been forwarded to the legislature, by informing the person that he or she is no longer under consideration. We reaffirm that advice. However, you should consider the fact that no authority is cited for our earlier advice and that no Alaska case exists to guide us concerning the resolution of this issue.

If our reasoning expressed in the earlier memorandum is rejected by a court, and the appointment is not considered to be a nomination, then an appointee whose name is summarily withdrawn may have a cause of action for denial of a property right without due process of law. See Breeden v. City of Nome, 628 P.2d 924 (Alaska 1981).

JLB/pjg

Enc.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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(907) 465-3867 or 465-2450
FAX (907) 465-2029

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Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 19, 1991

SUBJECT: Legislative Designation of Qualifications for Members of Boards and Commissions (Work Order No. 17LS-0661)

TO: Representative Dave Donley

FROM: Jerry Luckhaupt
Legislative Counsel

You have requested an opinion concerning the legislature's authority to designate qualifications for membership on boards and commissions created by the legislature. I hereby respond as follows.

Art. III, § 26 of the Alaska Constitution provides

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.

This section provides that the governor shall appoint the members of boards and commissions that are "at the head of a principal department or a regulatory or quasi-judicial agency." Art. III, § 26 provides a general qualification that all appointees to these boards and commissions shall be United States citizens. Other than this general requirement the section does not provide any direction concerning the designation of qualifications for membership on particular boards or particular seats on boards.

In Bradner v. Hammond, 553 P.2d 1 (Alaska 1976), the Alaska Supreme Court recognized that implicit in the Alaska Constitution is the doctrine of separation of powers. That doctrine, that one branch of government may not exercise the powers committed to another branch, is designed to avoid the "tyrannical aggrandizement of

Representative Dave Donley

February 19, 1991

Page 2

power by a single branch of government. . . ." Bradner, supra, at 5. The Bradner decision also recognized that our constitution envisioned a strong executive and "that the appointment of executive officers is an executive function. . . ." Bradner, supra, at 6.

"The legislative power of the State [though] is vested in a legislature. . ." Art. II, § 1, Alaska Constitution. "Legislative power" is the power of the legislature "to make laws and such power is reposed exclusively in such body though it may delegate rule making and regulatory powers to departments in the executive branch." Black's Law Dictionary.

As part of its law making power the legislature may determine that the best way for a particular law to be implemented or enforced is by the establishment of a board or commission to administer the law. In fact, such appears to be expected by art. III, § 26 of our constitution. In creating the board or commission it seems only reasonable that the legislature may establish qualifications for the members of the board or commission who are going to be implementing the particular law enacted by the legislature. The legislature may want persons with experience in the field or area to be regulated, or with some other qualifications or training, to administer the law. By enacting qualifications for members of boards or commissions, the legislature is not selecting a particular person to be on the board or commission (which power is provided solely to the governor) but only specifying that certain qualifications are necessary for any person selected by the governor to serve on the particular board or commission. The governor may still select the individual he wants to be on the board or commission, provided the person has the qualifications the legislature has specified as being necessary. As such, it appears that the governor's appointment power is not invaded or restricted by the legislature's enactment of reasonable qualifications for membership on boards and commissions.

This view is consistent with the general rule of law concerning the prescription of qualifications for public office by the legislature.

Subject to constitutional restrictions, the legislature has the right to prescribe the qualifications of officers to be elected or appointed to state offices created by it. . . .

81 A, C.J.S., States, § 83, at p. 460.

And:

Subject to such limitations as may be imposed by the constitution, the power to fix the qualifications of public officers or employees may be exercised by the legislature. The qualifications for, or conditions of, public employment may not be arbitrary, but must be reasonable and

Representative Dave Donley

February 19, 1991

Page 3

based on substantial grounds which are natural and inherent in the subject matter of the legislation.

67 C.J.S., Officers, § 16, at p. 256 - 57.

Various state courts have reached this same conclusion and have upheld legislative designations of qualifications for public offices, such as, memberships on a board or commission. See, e.g., State v. Matassarini, 114 Kan. 244, 217 P. 930 (1923); State v. Eischen, 76 N.W.2d 385 (Minn. 1956); Humane Society of the United States v. New Jersey Fish and Game Council, 70 N.J. 565, 362 A.2d 20 (1976); Landes v. North Hempstead, 20 N.Y.2d 417, 284 N.Y.S.2d 441 (1967); Hurd v. Freeland, 442 P.2d 344 (Okla. 1966); State v. Wells, 112 N.W.2d 601 (S.D. 1961); State v. Millsap, 605 S.W.2d 366 (Tex. App. 1980).

This view is also consistent with the statements of the framers of our constitution at the constitutional convention. It was apparently their belief that qualifications for membership should be stated in the statutes authorizing the particular board or commission. In discussing residency requirements and qualifications of board members, Delegate V. Rivers stated:

The board or the commission would be established by law, and we presume they might have some requirements in the law, but that leaves it open to the legislature to make the decision on it.

Alaska Constitutional Convention Proceedings (ACCP), at p. 2038. And, "I for one would prefer to see the statute provided [sic] rather than the constitution provide for board member qualifications." ACCP, at p.2039.

Further, at least three Alaska Attorney General opinions or letters of advice have concluded that the legislature may prescribe reasonable qualifications for gubernatorial appointments to boards or commissions. Opinion from R. Pegues to H. Beirne, 04/23/81; Opinion from R. Pegues to Governor Hammond, 08/13/79; Opinion from G. Schaible to Governor Cowper, 05/24/88. Copies of these opinions are attached.

An examination of these authorities reveals at least two areas of caution. First, a legislative attempt to require the governor to appoint an individual selected by some other group could be found by a court to be violative of the governor's appointment power under art. III, § 26. See, e.g., the Attorney General's opinion from R. Pegues to H. Beirne attached hereto. At least two states that have considered this issue, based of course on their own constitutional provisions, have ruled that delegating the selection of individuals to some other group and requiring the governor is to make his appointments from the names submitted by those groups is proper. Humane Society of the United States v. New Jersey Fish and Game Council, *supra* (New Jersey's constitution is similar to ours and was a model used by our framers); State

Representative Dave Donley

February 19, 1991

Page 4

v. Eischen, supra. Second, since our constitution already provides a residency requirement in art. III, § 26 (that being that all members of boards and commissions must be United States citizens), it is possible that a court could find that the imposition of a state residency requirement would be improper. See the Attorney General's opinion from R. Pegues to Governor Hammond attached hereto.

It therefore appears that the legislature may prescribe reasonable qualifications for art. III, § 26, boards and commissions, that are reasonably related to the position or to the aim of the legislation and which do not interfere with the governor's appointment power or with qualifications set out in the constitution.

If you have further questions, please contact me at your convenience.

GPL:mi/pl

91-032.mai

Enclosure

MEMORANDUM

State of Alaska

Hon. Helen D. Beirne
Commissioner
Department of Health & Social
Services

DATE: April 23, 1981

FILE NO: J-66-698-81

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Proposed Council on
Domestic Violence
and Sexual Assault

By:

Rodger W. Peguffs
Assistant Attorney General

You have asked whether establishment of a proposed Council on Domestic Violence and Sexual Assault poses any legal problems.

In the form proposed by the draft bill for an Act relating to domestic violence and sexual assault, the proposal violates the state constitution in two ways. */

The first constitutional infirmity in the proposed bill is that it unduly impairs the appointment authority of the chief executive, transferring it, as it were, to a special interest group under proposed AS 18.66.030(3). The proposed council's job is to carry out the law, and that function is vested by the constitution in the governor. To perform that function, he appoints subordinates to assist him. While reasonable qualifications may unquestionably be prescribed by law for those appointments, the power of selection cannot be shared except as the constitution itself provides. Bradner v. Hammond, 553 P.2d 1 (Alaska 1976).

Accordingly, in order to conform with the dictates of the state constitution, the requirement in proposed AS 18.66.030(3) that appointments be from a list should be changed to a requirement for consultation with the Network of Domestic Violence and Sexual Assault. (We are concerned that the network may lack a formal, corporate status, thereby making even consultation haphazard.)

The second constitutional infirmity is that the bill gives the council tenure and also the authority to super-

*/ There are other existing and proposed councils on ad hoc subjects which share one or both of these constitutional defects, for example, CSHB 198 (Fin), establishing a seafood market council.

wise and direct a unit of state government in carrying out a significant part of the law which, under the constitution, is expressly a function and responsibility of the governor. We are not dealing here with a regulatory or quasi-judicial council, the members of which under the constitution, need not serve at the chief executive's pleasure. Humphrey's Executor v. United States 295 U.S. 602 (1935); Buckley v. Valeo, 424 U.S. 1, 140-141 (1976) (dicta). We are dealing rather with persons who are being placed in charge of carrying on the duties of an executive department of the government, and such officers must be responsible to the chief executive. Myers v. United States, 272 U.S. 52 (1926); cf., Alaska State Operated School System v. Mueller, 536 P.2d 99 (Alaska 1975), Walker v. Alaska State Mtg. Ass'n, 416 P.2d 245 (Alaska 1966).

Accordingly, in order further to conform the bill with the dictates of the state constitution, the last sentence of proposed AS 18.66.040 should be amended to delete after the word "members," the words "shall be limited to no" and insert "serve at the pleasure of the governor and may not serve" instead.

There are other, technical changes which should be made. For example, the Attorney General, rather than the Chief Prosecutor, should be named to retain the parallelism. The Attorney General would have the option of naming a designee. It makes no sense to appoint a subcabinet, non-statutory officer to a statutory council.

Finally, experience teaches that the establishment of a line division on domestic violence and sexual assault in whichever department should handle the subject (with an advisory council of concerned and involved citizens) will have much more effect than the establishment of a separate council which will not be part and parcel of either department's operations. That is a practical matter rather than a legal one, and we do not insist on a change, but we strongly recommend one.

RWP/pjg

cc: Hon. W.R. Nix, Commissioner
Department of Public Safety

Hon. Donald Clocksin
House of Representatives

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR


POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

August 13, 1979

M E M O R A N D U M

To: Honorable Jay S. Hammond
Governor

From: Avrum M. Gross
Attorney General

By: Rodger W. Pegues 
Assistant Attorney General

Re: Qualifications for appointment to boards or
commissions

You have asked whether a person appointed to the Commercial Fisheries Entry Commission must have been a registered voter in Alaska before the last general election.

The short answer is yes.

AS 39.05.100(a) reads as follows:

(a) A person appointed to a board or commission of the state government, shall be and have been before the last general election, (1) a registered voter in the state, if the appointment is made at large or (2) a registered voter from the judicial district, if the appointment is made from a specific judicial district.

So far as is known, this requirement has never been challenged, and each governor since statehood has followed its dictates.

It can be argued that the requirement violates the provisions of article III, section 26, of the Alaska Constitution in that it adds to the qualifications prescribed there. The record of the Alaska Constitutional Convention indicates that the only requirement respecting a person's citizenship or residence for an appointment to a board or commission is United States Citizenship. The governor's

The Honorable Jay S. Hammond
Governor
August 13, 1979
Page #2

power to select the person he wanted was not to be limited to Alaska residents. 3 Proceedings, Alaska Constitutional Convention 2232-2233, 2236-2244 (1956). It is probable that technical, professional, occupational, or other like qualifications can be imposed without violating the constitution. And even a requirement that the appointee be a registered voter could be upheld if it did not bar persons from out of the state from being appointed, i.e., by requiring their prompt registration. But requiring an appointee to be a registered voter in this state so as to eliminate nonresidents and new residents was expressly rejected by the convention. Accordingly, the constitutionality of AS 39.05.-100(a) as it applies to new residents or to nonresidents is questionable.

AMG:pjg:RWP

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

May 24, 1988

STEVE COWPER, GOVERNOR

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

Honorable Steve Cowper
Governor
State of Alaska
P.O. Box A
Juneau, Alaska 99811

Re: HCS CSSB 192(Res) -- relating
to the membership of the
Agricultural Revolving Loan
Fund Board
Our file: 883-88-0079

Dear Governor Cowper:

At Judy C. Fleming's request on your behalf, we have reviewed HCS CSSB 192(Res), a bill relating to the membership of the Agricultural Revolving Loan Fund Board.

Section 1 amends AS 03.10.050(b) to increase the membership of the board from five to seven members. The two new members of the board that would be added under this bill must be "producing" Alaska farmers. At present, there is no requirement that any members of the board be persons actively engaged in farming.

An additional amendment of AS 03.10.050(b) would make clear that members of the board serve at the pleasure of the governor.

Section 2 of the bill would add a new subsec. (b) to AS 03.10.052. The proposed subsection would establish, as a new qualification for membership on the board, that a person may not serve on the board if he or she is delinquent on an agricultural loan obtained under AS 03.10. (Current AS 03.10.052 provides that a board member may not obtain a loan under AS 03.10, except for a short-term loan under AS 03.10.030(c), during the member's term of office or within one year after leaving office. Nothing, however, prohibits the appointment of a person who already holds a loan under AS 03.10 at the time of appointment.)

Proposed subsec. (b) also would require the governor to discharge, within 30 days after the delinquency occurs, a board member who becomes delinquent on an agricultural loan. This provision presents two legal questions, neither of which presents a legal problem.

MEMORANDUM

Hon. Steve Cowper, Governor
Our file: 883-88-0079

May 24, 1988
Page 2

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The first question is whether mandating that the governor discharge a board member who becomes delinquent is inconsistent with the second proposed amendment to AS 03.10.050(b), mentioned above, which would make clear that a board member serves at the pleasure of the governor. The two provisions can easily be harmonized, as they should be. Matter of Estate of Hutchinson, 577 P.2d 1074, 1075 (Alaska 1978). The second proposed amendment to AS 03.10.050(b) would simply make clear that the governor could discharge a board member without cause. Proposed AS 03.10.052(b), on the other hand, would simply establish that, as a matter of public policy, a borrower under AS 03.10 appointed to the board could not continue to serve if the borrower becomes delinquent on the loan.

The second question is whether it would violate the separation-of-powers doctrine for the legislature to require the governor to discharge a board member if the member becomes delinquent on a loan. In our view, it would not. Article III, sec. 26, of the Alaska Constitution, provides that members of boards or commissions "may be removed as provided by law." The Alaska Supreme Court has stated: "Removal of Section 26 board or commission members is as provided by law and, therefore, not necessarily at the governor's pleasure." Bradner v. Hammond, 551 P.2d 1, 3 (Alaska 1976). The directive to the governor to discharge a board member upon becoming delinquent on a loan would simply provide, by law, for the manner of removal.

Although the Department of Natural Resources apparently did not support the bill initially, we understand from the department's May 4, 1988 letter about the bill to Representative Sam Cotten, that the department does now support it.

CCS SB 484, dealing with loans made from the Agricultural Revolving Loan Fund, is still being reviewed by us (our file 883-88-0144).

Except as discussed above, there are no legal or constitutional problems presented by this bill.

Sincerely,

Arthur F. Peterson
for Grace Berg Schaible
Attorney General

GBS:GTK:cb:dlm

cc: Hon. Judith M. Brady, Commissioner
Department of Natural Resources

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MEMORANDUM

March 1, 1991

SUBJECT: Governor's Power to Switch APUC Seats
(Work Order No. 17LS0896)

TO: Representative Max Gruenberg

FROM: Gerald P. Luckhaupt
Legislative Counsel

You have asked the following questions: (1) May the governor switch the members of the Alaska Public Utilities Commission among the various seats, for example from a public seat to engineering seat; and (2) If seats may be switched, does the term go with the member or stay with the seat.

The facts as we understand them are that Mr. Peter Sokolov was reappointed to the engineering seat on the APUC for a six year term upon the expiration of his first term by Governor Cowper. Mr. Sokolov took office and exercised the duties of his office until his recent dismissal by Governor Hickel. Mr. Foster was appointed, and confirmed by the legislature, to a consumer seat for a six year term approximately four years ago. Governor Hickel has now moved Mr. Foster from his consumer seat to the engineering seat which was opened up by the purported dismissal of Mr. Sokolov. Mr. Foster continues to serve the term he was originally appointed to (for the consumer seat) while Mr. Schoer, who was appointed to the consumer seat by Governor Hickel, is serving the six year term vacated by Mr. Sokolov.

Technically, the switching of a board member from one seat to another on a board would appear to constitute the removal and reappointment of the member, especially if the seats are earmarked for individuals with particular qualifications, such as the case where a member is moved from a public seat to an engineering seat. Accordingly, if the legislature has the authority to designate seats for individuals with certain qualifications (the Attorney General has apparently accepted that such qualifications may be legal, see e.g., April 23, 1981, opinion from R. Pegues to Helen Beirne; August 13, 1979, opinion from R. Pegues to Governor Hammond; May 24, 1988, opinion from G. B. Schaible to Governor Cowper), the appointment of an individual to that seat, including the switching of seats, requires the removal of a member from one seat in accordance with law and the confirmation of that member

Representative Max Gruenberg

March 1, 1991

Page 2

in a new seat by the legislature. In the current situation, the legislature confirmed Mr. Foster's appointment to a consumer seat four years ago. His qualifications to hold the engineering seat have never been reviewed or passed upon by the legislature. To allow the switching of seats without confirmation by the legislature when appointees are required to have different qualifications for different seats would, arguably, prevent the legislature from exercising its constitutional duty to review the appointments of the governor to ensure that qualified people are being placed in control of important state government functions. Therefore, assuming the legislature has the authority to prescribe qualifications for appointments to particular seats of the APUC, we conclude that the switching of seats by the governor requires confirmation by the legislature.

However, if the legislature is found to lack the authority to interfere with the governor's appointment power by prescribing qualifications for particular seats on the APUC, a court could conclude that the governor has the power to switch seats. If the legislature lacks the authority to prescribe qualifications and if the member who is moved continues to serve for the duration of the term he was originally appointed to, and confirmed for, and does not commence a new or different term, no removal or reappointment has occurred. In that situation a court might conclude that the member's service to the state has not been interrupted - no break in service has occurred - so as to require a new appointment by the governor and confirmation by the legislature.

Regardless of whether a seat requires particular qualifications, if the board member commences a new term, that is, if he assumes the term that belongs to the new seat he is taking or the governor appoints him to some wholly new term (regardless of whether his old term has expired), the effect is that of a new appointment or a reappointment, requiring confirmation by the legislature. If the member whose seat is switched retains his original term, that is, if the duration of the period he serves in office is not altered, we do not believe that confirmation would necessarily be required. Note, however, that if the period is shortened by the switch, the member may have a cause of action against the state based upon his or her property interest in the original term. Likewise, if the period is increased a confirmation requirement may be triggered. We have been unable to discover any authority that clearly addresses the question of whether the term is appurtenant to the seat or to the person occupying the seat. Though, it seems reasonable to assume that a term should be found to be appurtenant to the particular seat and not the individual who happens to be occupying it at any particular point in time.

If you have further questions, please contact us at your convenience.

GPL:pl
91-123.plm

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MEMORANDUM

February 5, 1991

SUBJECT: Confirmation Power of Legislature When the Governor Has Failed or Refused to Transmit the Appointment to the Legislature (Work Order No. 17LS-0664)

TO: Representative Dave Donley

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

You have asked what the authority of the legislature is to hold confirmation proceedings for an appointee of the governor when the governor fails or refuses to transmit the name of the appointee, or notice of the appointment, to the legislature for confirmation. We hereby respond as follows.

Initially, in considering your question we must look to the constitution to determine the appointment power of the governor and the authority of the legislature to confirm or reject those appointments. Article III, sec. 25, of the Alaska Constitution provides:

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 secretary of state. The heads of all principal departments shall be citizens of the United States.

And art. III, sec. 26 provides:

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.

These provisions provide that the governor has the authority to appoint the "head of each principal department" of the state and the members of each board or commission that "is at the head of a principal department or a regulatory or quasi-judicial agency." These appointees are all subject to the legislature's constitutional authority to confirm or reject them.^{1/}

In Bradner v. Hammond, 553 P.2d 1, 7 (1976), the Alaska Supreme Court described the authority of the legislature to confirm the appointees described in sections 25 and 26 as:

not a distinct legislative power, but rather a part of the executive power of appointment which has in turn been delegated in some specific instances by constitution to the legislative branch of government.

Therefore, the power of confirmation of the governor's appointees to the "head of each principal department" and to membership on each board or commission that "is at the head of a principal department or a regulatory or quasi-judicial agency", though normally an executive branch function, has been exclusively delegated to the legislature by the Alaska Constitution.

To implement this confirmation power granted by the constitution the legislature has enacted AS 39.05.080. This section provides that the governor:

shall, within 30 days of the convening of the legislature in regular session, present to the legislature 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 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

^{1/}Other appointments subject to legislative confirmation include certain military officers, art. III, §19; the non-attorney members of the judicial council, art. IV, §8; members of the Commission on Judicial Qualifications, art. IV, §10, and members of the University of Alaska Board of Regents, art. VII, §3.

name of the person appointed. The deadline may be extended by the legislature by the approval of a concurrent resolution. ...

But what if the governor fails or refuses to transmit the names of his appointments, or a particular appointment, to the legislature? Is the legislature without authority to confirm or reject the appointment if the governor does not commence the confirmation process by transmitting the name? The Alaska Supreme Court has never considered this issue but the courts of several other states have. The leading case on the subject of the legislature's authority to confirm or reject a gubernatorial appointment in the absence of a communication by the governor appears to be People v. Shawver, 30 Wyo. 366, 222 P.2d 11 (1924). Shawver was cited by the Alaska Supreme Court in Bradner for the proposition that confirmation is a portion of the executive's appointment power that has been delegated to the legislature by the constitution. Bradner, supra, at 7, n. 19. In Shawver, the Wyoming Supreme Court after reaching this conclusion addressed the next part of the issue presented by that case: Whether the Wyoming Senate (granted the power to confirm the appointees of the governor by the Wyoming Constitution) could act to confirm or reject an appointee when the governor did not transmit the appointee's name to the Senate and did not ask that the appointee be confirmed? The case involved the appointment of an individual to a state office by a governor who was then succeeded by another governor. The new governor failed to submit the appointment to the Senate for confirmation. The court said:

But why may not the Senate act upon an appointment of which it has knowledge, if the Governor should refuse or neglect to ask for such action especially where the appointee is known to have entered upon the duties of the office? A provision for an appointment by the Governor with the consent of or to be confirmed by the Senate directs not only what shall be done, but also in effect what shall not be done. The affirmative act of the two governmental agencies is required to confer title to an office under such a provision. A completed appointment cannot be made in any other way than as so provided. [Citations omitted] While the Governor's act in selecting the person to be considered for an office may be the principal and perhaps the more important one of the two, it is not alone sufficient. A construction of such provision denying the right of the Senate to act in any case unless directly requested to do so by the Governor or by a communication from his office would obviously give him the power to ignore the coordinate right of the Senate, and might mean the abolition of that right, and certainly would make it entirely dependent upon the Governor's pleasure.

Shawver, supra, at 23 - 24. The court then held that the Wyoming Senate properly confirmed an appointee, though the governor had not requested the confirmation.

The Kansas Supreme Court reached a similar conclusion in Barrett v. Duff, 114 Kan 220, 217 P. 918 (1923). That case involved the appointments to state offices by a governor during a recess of the legislature. The appointees entered upon the duties of their offices. A new governor took office and attempted to appoint others to the offices and removed the previous governor's appointees. By constitution, the Kansas Senate had the authority to confirm the appointees of the governor and the governor could not remove the state officers involved here except as provided by law, for cause. The court said:

The plaintiffs deny any force or validity to the action of the Senate in considering and confirming the appointments of defendants because of the failure of the executive to directly transmit the names of defendants. No good reason is advanced why the Senate would not consider such recess appointments without such direct word from the executive. Judicial notice or knowledge is the cognizance of certain facts which judges and jurors may properly take and act upon without proof because they already know them. Judicial notice means that the court will bring to its aid and consider, without proof of the facts, its own knowledge of those matters of public concern which are known to all well-informed persons. Legislative notice is far broader than judicial notice. 23 C.J. 58. The legislative department is equipped to deal with any condition, general or special, however manifested or brought to the knowledge of the law-making power. The mass of individual legislation found among the statutes of all the states demonstrates this legislative attribute. [Citation omitted].

The offices in controversy are all located in the capitol building, in which the Senate holds its deliberations. They are important departments of the state government. The Senate may, and often does, have official business with them. It receives reports from them. It considers the service which the departments are, by law, required to perform. It considers the extent of such service and its requirements. It considers and passes appropriations in order that they may lawfully and properly function. Under all the circumstances, the Senate cannot shut its eyes to the facts as to whether their respective offices are filled; whether they are functioning under the law, or whether there is a vacancy therein. . . . The Senate, which has official knowledge of all of the acts of another state department, may not close its eyes to an existing fact merely because the executive has failed to transmit a communication giving it the advice. The fact that the Senate is called upon to consent to or confirm appointments presupposes an investigation upon which to base its judgment as to whether or not it should confirm or reject the named appointee. It is a matter of common knowledge that the Senate of Kansas, likewise the Senate of the United States, may, and

frequently does, investigate the character, fitness, and ability of the appointee submitted for its consideration. The Senate must be permitted to investigate on its own initiative, and without communication from the Governor, the status of offices; otherwise the Governor could fill and refill them at his pleasure by simply failing to advise the Senate. . . . We conclude that the Senate did not go beyond its powers in making the investigation concerning the offices held by the defendants, and, having satisfied itself, that it could properly exercise its judgment thereon. While it is the usual and customary courtesy of the executive to transmit such facts to the Senate, we believe it the better view to hold that the Senate may, on its own initiative, if it so desires, ascertain the facts upon which to base its deliberative and final judgment in confirming or rejecting appointees of the Governor.

Barrett, supra, 925-926.

Virtually all other courts that have considered this issue have reached the same conclusion. See, e.g., Bell v. Sampson, 232 Ky. 376, 23 S.W.2d 575 (1930); McChesney v. Sampson, 232 Ky. 395, 23 S.W.2d 584 (1930); State v. Halladay, 219 N.W. 125 (S.D. 1928); State v. Brewster, 84 S.E.2d 231, 248 (W.Va. 1954); Commonwealth v. Stewart, 286 Pa. 511, 134 A. 392 (1926). Our research has disclosed only one court decision that has reached an opposite conclusion, Attorney General v. Warner, 299 Mich. 172, 300 N.W. 63 (1941). That court though, held that under the Michigan Constitution and that State's court decisions that the confirmation power of the legislature is a legislative power, not a delegation of the executive's appointment power. As such, its reasoning is contrary to the Alaska Supreme Court's decision in Bradner and is distinguishable on that ground.

Therefore, we conclude that the legislature may properly consider the confirmation or rejection of art. III, sec. 25 and 26 appointees of the governor, absent a communication from the governor of a particular appointment or appointments made during the interim and the session. While it is hoped that the governor will comply with the reasonable procedure for communication of appointments the legislature has provided in AS 39.05.080, if the governor fails or refuses the legislature may take notice of previous appointments and of the persons occupying the constitutional offices listed in sections 25 and 26. To hold otherwise would allow the governor to prevent the legislature from exercising its constitutional confirmation power at his whim, caprice, or neglect and would render the confirmation function a nullity. Shawver, supra. Such an absurd result was not intended by the framers of our constitution and would not, we believe, be embraced by our courts.

Alaska State Legislature



House of Representatives
House Judiciary Committee
Chairman Dave Donley

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

February 20, 1991

Representative Ben Grussendorf
Speaker of the House
P.O. Box V - State Capitol
Juneau, AK 99811

Dear Mr. Speaker:

The House Judiciary Committee recommends that the House of Representatives return the governor's nomination of Don Schroer and proceed with the confirmation process for the appointment of Peter Sokolov to the Alaska Public Utilities Commission. The committee also finds that Mr. Sokolov continues to be a member of the commission and his dismissal was contrary to law.

On February 4th and 20th, 1991, the House Judiciary Committee held hearings to review the governor's power to appoint and remove members of various boards and commissions, including the Alaska Public Utilities Commission. Based on the information and arguments presented during the hearings and on materials provided by the Attorney General and Legislative Counsel we made the following findings applicable to the APUC:

Governor Cowper reappointed Peter Sokolov to the commission upon the October 31, 1990, expiration of his previous term. The reappointment was made on November 8, 1990, for a six year term on the commission under Article III, Section 26, of the Alaska Constitution and AS 42.05.020. A copy of Mr. Sokolov's letter of appointment was sent to the Chief Clerk of the House of Representatives and to the Senate Secretary.

Although Governor Hickel has attempted to appoint Don Schroer to the APUC and to remove Mr. Sokolov from the commission, AS 42.05.035 clearly states that an APUC Commissioner may only be removed from office "by and with the consent of a majority of the legislature."

Because the governor has not requested that the legislature consent to the removal of Mr. Sokolov and because he was reappointed by former Governor Cowper in the manner provided by the constitution and by statute, our conclusion is that Mr. Sokolov is presently a member of the commission and his confirmation is legally before the Alaska Legislature.

The Alaska Public Utilities Commission does not now have a vacancy as defined by AS 42.05.030. A replacement appointee cannot be considered until the original appointee is removed as provided by law.

The House Judiciary Committee finds that the governor should submit a request for legislative consent to the removal of an APUC Commissioner.

In addition, the governor has attempted to move the consumer member of the commission, Mark Foster, to the engineering seat which has been held by Mr. Sokolov and to appoint Mr. Schroer to the consumer seat which had been occupied by Mr. Foster. AS 42.05.040 sets out the required qualifications of commission members.

The committee has been advised by legislative counsel that the switching of seats by the governor requires the legislative confirmation of that person to the new seat. To allow the switching of seats without confirmation by the legislature when appointees are required to have different qualifications for different seats would prevent the legislature from exercising its constitutional duty to review the appointments of the governor to ensure that qualified people are being placed in control of important government functions. Although the committee is taking no position on this issue at this time, arguably the governor should submit to the legislature the appointment of Mark Foster to the engineering seat.

The House Judiciary Committee recommends that, if the governor does send you a request for legislative consent for removal of Peter Sokolov, the vote be taken in joint session with the Senate. AS 42.05.035 states that an APUC commissioner may only be removed "by and with the consent of a majority of the legislature." While a joint session is not specifically required by law, we feel that a joint session is what was contemplated by the statute.

Any appointment to the commission that is in addition to that of Peter Sokolov should be returned to the governor. If the legislature votes not to confirm, or adjourns without confirming, Mr. Sokolov, then another appointment by the governor to that seat could be entertained. The governor could also submit the name of another person contingent upon

receiving the consent of the legislature to his formal removal of Mr. Sokolov.

The committee also recommends that in the above circumstance separate votes be taken. The first vote should be on whether the legislature consents to the removal of Mr. Sokolov. If the vote is not to consent to removal, then a vote can be taken on Mr. Sokolov's confirmation.

In the event that Mr. Sokolov does not wish to contest the governor's actions, we recommend that both Mr. Sokolov's and Mr. Schroer's appointments be read across. Then the legislature can proceed with Mr. Schroer's confirmation process, under the theory that Mr. Sokolov has constructively resigned, and convey a formal opinion to the governor that the above procedures are required by law and will be required by the House of Representatives.

Attached, you will find copies of the relevant constitutional and statutory provisions, as well as copies of opinions from our legal counsel which bear on the issues raised by Mr. Sokolov's case.

Sincerely,

A handwritten signature in cursive script that reads "Dave Donley". The signature is written in dark ink and is positioned above the typed name and title.

Representative Dave Donley
Chair

DD/hk

REPRESENTATIVE DAVE DONLEY

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BRIEFING ON APPOINTMENT AND REMOVAL AUTHORITY

I. Constitutional provisions

A. Art. III, Sec. 25 - head of each principal department is single executive unless the legislature provides otherwise.

1. Appointed by and serves at pleasure of governor.

2. Subject to confirmation by legislature.

B. Art. III, Sec. 26 - when legislature provides that a board or commission is at head of department or regulatory or quasi-judicial agency, its members are:

1. appointed by governor;

2. subject to confirmation by legislature;

3. removable as provided by law.

C. Art. III, Sec. 27 - duration of recess appointments to fill vacancies shall be prescribed by law; (names must be submitted within 30 days of convening of session).

D. Bradner v. Hammond, "...Sections 25 and 26 mark the full reach of the delegated, or shared, appointive function to Alaska's legislative branch of government."

II. "Appointment v. Nomination"

A. Art. III, Sec. 26 says that members of those boards and commissions shall be "appointed" by the governor.

B. Art. II, Sec. 5 refers to the terms "nominated", "elected", or "appointed" as exclusive alternatives which are "clearly intended to catalogue the routes by which one may attain an 'office or position of profit'". Begich v. Jefferson.

C. Division of Elections v. Johnstone held:

1. that the term appointment in the constitution means "to designate for office";

2. that the appointment of a judge was effective on the completion of the "last act" of the appointing authority, i.e., the letter of appointment issued to the judge by the governor.

D. McChesney v Sampson (KY), the majority rule in U.S., contrasted:

1. situation where an officer is appointed subject to confirmation by the legislature (like AK) the appointee takes office, enters upon performance of duties, and is charged with responsibility pending confirmation; unlike the



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2. situation where officer is nominated subject to confirmation (federal situation) and nominee may be removed at will of executive until title to the office is vested.

3. Court stated further that "such power as flows from the act of the Governor in making the appointment is invested by the statute in the appointee, and may not thereafter be recalled or bestowed upon another unless the consent of the Senate is withheld."

E. Whitehead v State. State settled lawsuit filed by Mr. Whitehead where he was appointed by Governor Hammond, shortly before leaving office, to the Limited Entry Commission and removed and replaced by Governor Sheffield. Received \$75,000 + eight months' salary from the date of his appointment by Hammond.

III. Removal generally.

A. To determine how the legislature has provided for the removal of the members of a board or commission that "is at the head of a principal department or a regulatory or quasi-judicial agency" we must look to the specific authorizing legislation for the board or commission to determine if the legislature has provided a specific removal procedure.

1. AS 39.05 and 08.01 provide that members of listed boards or commissions serve at the pleasure of the governor.

2. Members of boards and commissions at head of departments or regulatory or quasi-judicial agencies may be removed as provided by law.

3. Members of non-section 26 boards and commissions are not subject to removal provisions of legislature and serve at pleasure of governor.

IV. Specific boards and commissions.

A. Board of Education (Sec. 26 board).

1. AS 14.07.115 - members serve at pleasure of the governor.

B. Boards of Fisheries and Game (Sec. 26 board). Conflict in the statutes.

1. AS 16.05.280 - removal for inefficiency, neglect of duty, or misconduct in office with notice and hearing afforded.

2. AS 39.05.060(d) - hold office at the pleasure of the governor notwithstanding the member's term.

C. Permanent Fund Corp. Board. (Non-section 26 board and therefore not subject to confirmation or removal according to law.)

1. AS 37.13.070(a) - removal must be in writing and must state the reason for removal.

2. Legislature may not substantially curtail the power of the governor to remove members; arguably the above section would not be enforceable.

D. Public Utilities Commission (Sec. 26 board).

1. AS 42.05.020 - appointed by governor.

2. AS 42.05.035 - may only be removed from office by and with the consent of the majority of the legislature.

V. Additional questions.

A. Is an interim appointment binding on the subsequent administration.

1. AS 39.05.080(4) - "[p]ending 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."

2. If the commissioner:

a. has received a commission from a sitting governor (AS 39.05.035);

b. has executed his constitutionally required oath of office and filed it with the lieutenant governor (Art. XII, Sec. 5 and AS 39.05.040);

c. has embarked upon and is exercising the duties of his office;

d. his appointment is binding upon the subsequent administration and he may only be removed as provided by law, subject to the legislature's authority to confirm or fail to confirm him.

B. May the governor switch the members of the APUC among the various seats? If seats may be switched, does the term go with the member or stay with the seat? Who or what determines when the term of an appointee begins and when the appointee goes on the payroll. May the governor, prior to confirmation, instruct an appointee to take office? (For discussion see LAA legal memo of Feb. 6, 1991, WO # 17-LS0366.)

C. What is the authority of the legislature to hold confirmation proceedings for an appointee of the governor when the governor fails or refuses to transmit the name of the appointee, or notice of the appointment, to the

legislature for confirmation. (For discussion see LAA legal memo of Feb. 5, WO # 17LS-0664.)

D. What is the legislature's authority to designate qualifications for membership on boards and commissions created by the legislature. (For discussion see LAA legal memo of Feb. 19, 1991, WO # 17LS-0661.)

VI. Options available to legislature.

A. Standardize removal procedures with a general statute for all Section 26 boards and commissions.

B. Rewrite the removal provisions for each Sec. 26 board and commission.

C. Constitutional amendment setting out with more specificity the desires of the legislature re appointment, qualifications, and removal. Provide more power to the legislature, if desired.

D. Ignore the whole issue and let the executive branch further cement its power in re the legislative branch.

VII. Removal options.

A. Serve at the pleasure of the governor.

B. Removal for certain causes.

C. Removal with the consent of the legislature (APUC).

D. Removal only by the legislature (probably unconstitutional).

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MEMORANDUM

February 11, 1991

SUBJECT: Regulatory Boards under art. III, § 26 of the Constitution
(Work Order No. 17LS-0663)

TO: Representative Max F. Gruenberg, Jr.

FROM: Jerry Luckhaupt *JLR*
Legislative Counsel

You have asked for an opinion on the meaning of "regulatory agency" to determine what boards may be covered by the appointment, confirmation, and removal requirements of art. III, § 26 of the Alaska Constitution. That section provides:

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.

To determine the meaning of the term "regulatory agency" we must first look to the views of the framers of our constitution to determine what they thought the term meant or what they intended the term to signify. Art. III, § 26, was proposed by the Committee on the Executive Branch as Committee Proposal 10 (later amended and resubmitted as Committee Proposal 10a), at the Constitutional Convention. Alaska Constitutional Convention Proceedings (ACCP), Part 6. In the commentary submitted by the executive branch committee with the proposal the committee explained their recommendations concerning government organization. These recommendations are embodied in secs. 22 - 27 of art. III, of the constitution. The committee said:

A clear distinction is made between the administrative departments, such as public works, health, education, and welfare, and the regulatory, including quasi-judicial, bodies such as a rate-setting public utility commission.

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Delegate V. Rivers, chairman of the executive branch committee, summarized the committee proposal and the meaning of a "regulatory board" in this manner:

The purpose of that is that in a regulatory board, regulating the power rates, telephone rates, etc., the power of removal might be the power to make the office ineffective so that removal would be prescribed by the legislature.

ACCP, at p. 1102 - 03.

Discussion of what a "regulatory board" is and does includes these statements by delegates: "To me a utilities board would be regulatory" (ACCP, at p. 2204, Delegate V. Fischer); and Delegate McLaughlin, in response to a question of what is the difference between a "regulatory board" and a "quasi-judicial board" said:

Perhaps I can explain it in the terms best known to Alaskans. Very roughly, the Fish and Wildlife Service and the CAB, the Fish and Wildlife Service can set down regulations. Normally if there is an infraction of those regulations, they pick up the offender and deliver him to a judicial body, that is to the United States Commissioner, or to the United States District Court. They have no power of absolute confiscation on their own, no power to deprive of money or rights. In the case of the CAB, the Fish and Wildlife, in substance then, sets down regulations, but in the case of the CAB, they go further than that. In substance, they determine as between carrier and carrier, who is privileged and who can be deprived of it.

ACCP, at pp. 2204 - 05.

The delegates also acknowledged that a "regulatory board" could also be a "quasi-judicial board." ACCP, at p. 2206.

From this discussion it appears that the framers believed that a "regulatory board" was a board that issued rules or regulations to govern the public (Fish and Wildlife Service), segments of the public (public utilities commission), or the use or management of resources (Fish and Wildlife Service). A "regulatory board" would seem to control or govern at large or in an area or field as the examples cited by the convention reveal. A board or commission that merely issues rules or regulations that govern or control its own internal conduct would not seem to be a "regulatory board" as that term is used in our constitution as the regulations or rules issued by such a such a board or commission do not govern or control at large or in an area or field.

Such a construction comports with the definitions of the term "regulate." Webster's New World Dictionary defines regulate as "to control, direct, or govern according to

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a rule. . . ." And Black's Law Dictionary defines regulate as " to fix, establish, or control." While these definitions are broad enough to encompass internal operating rules, rules that govern a board's own conduct, when applied to the examples and statements of the delegates to the constitutional convention, regulate apparently means the act of controlling, directing, or governing the public, segments of the public, or the resources of the state.

The constitutional convention proceedings are also helpful in determining whether a public corporation could be considered a "regulatory board." The convention specifically addressed the relationship between § 26 and the University of Alaska, a public corporation, and public corporations generally. Discussion of § 26 includes this statement by Delegate Sundborg:

This whole section applies only to three classes of agencies. It applies to principal departments of the state, to regulatory bodies and quasi-judicial bodies. It is inconceivable to me that no matter what the legislature did it could ever put the University of Alaska under one of those three headings, and I am very much afraid here that if we read in here an exception saying that it shall not apply to the University of Alaska, that it would apply or that it could be construed to apply to any other state corporation because we had not excepted that from the language.

ACCP, at p. 2257.

Delegate Walsh stated that after checking with a couple of attorneys he believed that the University of Alaska was not subject to the requirements of § 26 because it was a public corporation. ACCP, at p. 2246. Delegate Riley stated he believed that the University of Alaska was clearly beyond the reach of § 26. ACCP, at p. 2248. A similar comment was made by Delegate V. Rivers while entertaining questions about the Committee on the Executive Branch's report. ACCP, at p. 2033-34.

From these examples it seems clear that a public corporation, established by the state, is not a § 26 board. It is also difficult to conceive how the state could delegate the responsibility of running a principal department or the exercise of the state's police powers through a regulatory or quasi-judicial agency to a public corporation, whose board owes a duty to the corporation and not necessarily to the state. Finally, the Alaska Supreme Court in Walker v. Alaska State Mortgage Authority, 416 P.2d 245 (Alaska 1966) held that ASMA, a public corporate authority of the state, was not at the head of a principal department of the state for purposes of triggering the confirmation requirement of § 26. The court did not discuss, but apparently assumed for purposes of that section that ASMA was not a "regulatory or quasi-judicial agency."

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Therefore, I conclude that a "regulatory agency" for purposes of art. III, § 26 of the constitution, is an agency governed by a board or commission that adopts rules that govern, direct, or control the public, segments of the public (including professions or enterprises), or the use of the resources of the state. The term does not include public corporations created by the state. Whether a particular board qualifies as a "regulatory agency" would probably be determined by the court on a case by case basis. In view of the narrow reading the court gave to the legislature's power of confirmation in Bradner v. Hammond, 553 P.2d 1 (Alaska 1976) I would expect the court to find that the legislature has no right to confirm in doubtful cases.

GPL:mi

91-029.mai

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MEMORANDUM

February 11, 1991

SUBJECT: Discussion of Munson v. Territory of Alaska (W.O. 17LS-0662)

TO: Representative Dave Donley

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

You have requested a discussion of the case of Munson v. Territory of Alaska, 16 Alaska 580 (1956) and of its significance, if any, to the dismissal by Governor Hickel of the chairman of the Alaska Public Utilities Commission. As the facts have been presented to me, Peter Sokolov's term as a commissioner on the APUC expired on October 31, 1990. On November 8, 1990, Governor Cowper reappointed Mr. Sokolov to a new term ending October 31, 1996. Governor Hickel removed Mr. Sokolov from office in mid to late January, 1991, and appointed another to his seat.

The factual background of the Munson case was stated by the territorial district court as follows:

One Ira A. Rothwell was appointed to the Alaska Fisheries Board March 29, 1950, for a period of five years. On March 24, 1955, and while the Twenty-second Territorial Legislature was in regular session, the Honorable B. Frank Heintzleman, Governor of the Territory of Alaska, submitted a letter for his reappointment to the legislature, as follows:

"In accordance with the provisions of chapter 68, Session Laws of Alaska 1949, I submit herewith for confirmation by a majority of all the members of the Senate and House of Representatives in joint session assembled, the name of Mr. Ira Rothwell of Cordova, Alaska, for appointment to the Alaska Fisheries Board for the term ending March 31, 1960."

The legislature adjourned on March 25, 1955, sine die, without acting upon this request and no further action was taken in its extraordinary session, which followed the regular session. The governor took no

further action in regard to his appointment. Nevertheless, Mr. Rothwell continued to serve as a member of the board beyond the five years of the original appointment without taking another oath of office or receiving a new certificate.

By letter dated August 1, 1955, the Governor of Alaska appointed the plaintiff, Albert Munson, on an interim status, to take the place of Mr. Rothwell. On August 5, 1955, the plaintiff executed the oath of office and received a certificate of his appointment.

The Alaska Fisheries Board, in preparation for a meeting which was called for November 7, 1955, through its then director, Clarence L. Anderson, sent notices of said meeting to all members of the Alaska Fisheries Board, including Ira A. Rothwell, but failed to send a notice to the plaintiff, Albert Munson.

Mr. Munson, nevertheless, flew to Juneau and attended all meetings of the board but was refused his seat by the other members of the board.

Munson, supra, at 582 - 83.

Munson then filed a declaratory judgment action asking that he be awarded his seat on the board and that Rothwell be removed from the seat that he claimed. The territorial court stated the issue in this manner:

There is but one issue to be determined in this case and that is, what effect did silence and inaction on the part of the legislature have on the attempted reappointment of Mr. Rothwell, that is, was such inaction tantamount to confirmation, rejection, or was it without legal effect whatsoever.

Munson, supra, at 584.

In answering this question the territorial court determined that the attempted reappointment of Rothwell, having occurred while the legislature was in session, was merely a "nomination" akin to the federal system whereby the president "nominates" persons to the senate for confirmation. In the federal system the "nominee" does not take office pending appointment. In that situation:

there is no 'appointment' within the meaning of vesting final title to the office until acted upon affirmatively by the legislative branch of government. Justice Marshall states that until the legislature acts, the president is free to choose whom he will.

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Munson, supra at 585, discussing Marbury v. Madison, 1 Cranch 137, 5 U.S. 137, 2 L.Ed. 60 (1803).

The territorial court also observed that state courts have frequently held that:

[i]f the legislature is in session at the time of the appointment, though a vacancy in the office may exist, the authorities frequently hold the appointee has no right to the office until confirmation.

Munson, supra, at 587.

The territorial court then found that a failure of a legislature to confirm is tantamount to and thereby constitutes a rejection "and places an affirmative duty on the governor to make a new appointment." Id. The territorial court also found that § 4, ch. 64, SLA 1955 (now embodied with only minor changes as AS 39.05.080(d)), which provided that appointees pending confirmation are vested with the duties, powers, and obligations of their offices, only applied to interim appointments by the governor, that is, to appointments made by the governor when the legislature was not in session. The court found that section had no application to the situation where the governor makes an appointment while the legislature is in session. In that situation, as stated earlier, the appointment is merely a "nomination" which vests no title to, or any of the duties, powers, or obligations of the office.

Therefore, the territorial court found that Rothwell's attempted reappointment while the legislature was in session was merely a "nomination" which vested no title to membership on the Alaska Fisheries Board. When the legislature failed to confirm Rothwell's nomination and adjourned on March 25, 1955, by operation of law Rothwell's nomination was rejected. Rothwell continued to hold office under his original appointment until that term expired on March 31, 1955, and then became a holdover appointment, serving until his successor was appointed. Munson, supra, at 584. In this case August 1, 1955, when Munson was appointed by the governor.

The application of Munson to our present situation does not in any way support the action of Governor Hickel in removing Mr. Sokolov from his seat on the Public Utilities Commission. First, Mr. Sokolov was an interim appointee of Governor Cowper. Mr. Sokolov's term ended on October 31, 1990. He was reappointed by Governor Cowper on November 8, 1990, to a term ending October 31, 1996. The legislature was not in session, therefore under Munson's reasoning, Mr. Sokolov's appointment was an interim appointment vesting him with the title to, and the duties, powers, and obligations of his office. At that time Mr. Sokolov became not a "nominee", without title and the duties, powers, and obligations of his office, but an appointee, vested with the title and the duties, powers and obligations of his office by virtue of AS 39.05.080(d), subject only to the legislature's authority to confirm or

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fail to confirm him or to the governor's authority to remove him as provided by law. Art. III, § 26, Alaska Constitution; AS 42.05.035.

The territorial court in Munson reaches this same conclusion after discussing a case that interpreted a statute "strikingly similar" to that at issue in Munson. After quoting from Bell v. Sampson, 232 Ky. 376, 23 S.W.2d 575 (1930), the territorial court said:

It is apparently the position of the Kentucky court that inaction is tantamount to rejection and places an affirmative duty upon the governor to make a new appointment. **This does not mean that the interim appointee can be arbitrarily removed from his position at the caprice of the governor.**

Munson, supra, at 587 (emphasis added).

By this statement the Munson court clearly accepted the reasoning that in the case of an interim appointee, that once title to an office has vested and the appointee has entered upon the duties of it, his appointment may not be withdrawn or removed merely at the governor's discretion, as in the case of a nominee, who has not received title to nor entered upon the duties of his office. The interim appointee may only be removed as provided by law or by failure of the legislature to confirm, not "at the caprice of the governor."

Bell v. Sampson, quoted from extensively by the territorial court in Munson, is also instructive on this point. In Bell, the Kentucky Supreme Court was confronted with a situation involving interim appointments to state boards requiring confirmation by the state senate. These interim appointees were vested with the title and duties of their office pending confirmation. A new governor took office and apparently failed to transmit the names of these appointments to the senate. The senate at its next regular session failed to confirm these appointees. The new governor then appointed others to these positions. The court held that the failure of the senate to confirm, even without executive communication, was tantamount to rejection of the appointments. The court found that the senate:

did not have to wait for the Governor to submit these appointments of Governor Fields, but could on its own initiative, without any executive communication from the Governor, institute and conduct investigation of recess appointments made by him and confirm or reject them.

Bell, supra, at 581.

Also cited in Munson is another Kentucky case decided the same day as Bell and involving a factual situation that is similar to that presented by Mr. Sokolov's appointment by Governor Cowper and removal by Governor Hickel, McChesnev v.

Sampson, 232 Ky. 395, 23 S.W.2d 584 (1930). In McChesney, Governor Flem Sampson appointed McChesney to the state text-book commission during the interim between sessions of the legislature. McChesney entered upon the duties of the office. Prior to the state senate coming into session the governor removed McChesney and appointed another to the office. The governor contended that:

an appointment to the office in question is not complete without the consent of the Senate, and until the title to the office is thus vested, the Governor is free to designate, revoke, and reappoint at will. . . . We are thus brought to the final contention forcibly pressed that the appointments by the chief executive are mere nominations to be confirmed by the Senate, vesting no title to the office until both the Governor and the Senate concur, and that the governor may substitute new nominations at will until the Senate has finally acted.

McChesney, *supra*, at 585 - 86.

The court rejected these arguments saying:

[I]n cases where the nomination must be confirmed before the officer can take the office or exercise any of its functions, the power of removal is not involved and nominations may be changed at the will of the executive until title to the office is vested. But under our system the appointee of the Governor takes the office, enters upon the performance of its duties, and is charged with responsibility. He holds then subject alone to the action of the Senate. His status is not that of a nominee awaiting confirmation, but that of an officer invested with the powers, privileges, and responsibilities of the position until the Senate acts. A recall of his designation would operate as a removal from office. It is argued that appointment to the office consists of two separate acts, one by the Governor and one by the Senate, and until both have acted there is no appointment such as to bring the incumbent within the protection of the law. Even so, the powers do not act concurrently, but consecutively, and action once taken and completed by the executive is not subject to reconsideration or recall. It is the general rule that an appointment to office is intrinsically executive. . . . In all jurisdictions where appointment to office is regarded as an executive function, as here, an appointment to office once made is incapable of revocation or cancellation by the appointing executive in the absence of a statutory or constitutional power. . . . What then constitutes an appointment in so far as the chief executive has to do with it? Appointment to an office by one possessing the appointing power is the designation of another person to discharge the duties of the office. . . . It is completed when the appointing authority has

performed the acts incumbent upon him to accomplish the purpose. . . . The fact that the title to the office, and the tenure of the officer, are yet subject to the action of the Senate, does not render incomplete the act of the chief executive in making the appointment. The appointment alone confers upon the appointee for the time being the right to take and hold the office, and constitutes the last act respecting the matter to be performed by the executive power.

McChesney, supra, at 587.

Under the reasoning of the territorial court in Munson and the cases cited by that court, Mr. Sokolov's appointment by Governor Cowper was not a mere "nomination" but an appointment vesting Mr. Sokolov with the title and the duties, powers, and obligations of his office on the Alaska Public Utilities Commission.

This conclusion is further buttressed by the fact that art. III, § 26 of the Constitution does not mention that the governor shall nominate board and commission members and later appoint them, but rather states that the members of boards and commissions "shall be appointed by the governor, subject to confirmation by a majority of the legislature." Nomination is nowhere mentioned. In fact, the original and revised drafts of art. III, § 26 of the Alaska Constitution, as prepared by the executive branch committee at the Alaska Constitutional Convention, recommended the following language be adopted:

Whenever a board or commission is at the head of a principal department or of a regulatory or quasi-judicial body, the members thereof shall be nominated and appointed by the governor, with the advice and consent of the senate. . . .

This "nomination" language and reasoning was specifically rejected by the framers of our Constitution in § 26 as it was finally enacted.

Any discussion of Munson deserves at least one final comment. ~~The territorial court in Munson held that the forerunner of AS 39.05.080(d), which vests an appointee with the duties, powers, and obligations of the office appointed to, pending confirmation, only applies in the case of interim appointments - appointments when the legislature is not in session - and that all appointments made while the legislature is in session are mere nominations which vest no title to the office nor any of its duties, powers, and obligations. The language of AS 39.05.080 does not limit itself to such an interpretation, nor is such an interpretation necessary under § 26 of our Constitution as explained earlier. Nor has the practice of the executive branch supported this interpretation. Executive branch appointees, subject to confirmation by the legislature, have routinely been appointed by previous governors and the present governor while the legislature has been in session. These appointees have~~

Representative Dave Donley

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taken office, begun exercising the duties, powers, and obligations of their respective offices and have received their salaries. These appointees have not acted nor been treated as mere "nominees", who are not entitled to their offices until confirmation, but are appointees serving in their respective offices, presumably pursuant to AS 39.05.080(d). I, therefore, conclude that the Munson court's interpretation of this provision and its application only to interim appointments was erroneous.

If you have further questions, please contact me at your convenience.

JPL:gc

91-062.glc

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MEMORANDUM

February 6, 1991

SUBJECT: Governor's Appointment to APUC (Work Order No. 17-LS0366)

TO: Senator Pat Pourchot

FROM: Tamara Brandt Cook *TBC*
Director

Gerald P. Luckhaupt *GL*
Legislative Counsel

You have asked the following questions: (1) May the governor switch the members of the Alaska Public Utilities Commission among the various seats, for example from a public seat to engineering seat; (2) If seats may be switched, does the term go with the member or stay with the seat; (3) Who or what determines when the term of an appointee begins and when the appointee goes on the payroll, and may the governor, prior to confirmation, instruct an appointee to take office? We hereby respond as follows.

The facts as we understand them are that Mr. Sokolov was reappointed to the engineering seat on the APUC for a six year term upon the expiration of his first term by Governor Cowper. Mr. Sokolov took office and exercised the duties of his office until his recent dismissal by Governor Hickel. Mr. Foster was appointed, and confirmed by the legislature, to a consumer seat for a six year term approximately four years ago. Governor Hickel has now moved Mr. Foster from his consumer seat to the engineering seat which was opened up by Mr. Sokolov's dismissal. Mr. Foster continues to serve the term he was originally appointed to (for the consumer seat) while Mr. Schoer, who was appointed to the consumer seat by Governor Hickel, is serving the six year term vacated by Mr. Sokolov.

Technically, the switching of a board member from one seat to another on a board would appear to constitute the removal and reappointment of the member, especially if the seats are earmarked for individuals with particular qualifications, such as the case where a member is moved from a public seat to an engineering seat. Accordingly, if the legislature has the authority to designate seats for individuals with

certain qualifications (the Attorney General has apparently accepted that such qualifications may be legal, see e.g., April 23, 1981, opinion from R. Pegues to Helen Beirne; August 13, 1979, opinion from R. Pegues to Governor Hammond; May 24, 1988, opinion from G. B. Schaible to Governor Cowper), the appointment of an individual to that seat, including the switching of seats, requires the removal of a member from one seat in accordance with law and the confirmation of that member in a new seat by the legislature. In the current situation, the legislature confirmed Mr. Foster's appointment to a consumer seat four years ago. His qualifications to hold the engineering seat have never been reviewed or passed upon by the legislature. To allow the switching of seats without confirmation by the legislature when appointees are required to have different qualifications for different seats would, arguably, prevent the legislature from exercising its constitutional duty to review the appointments of the governor to ensure that qualified people are being placed in control of important state government functions. Therefore, assuming the legislature has the authority to prescribe qualifications for appointments to particular seats of the APUC, we conclude that the switching of seats by the governor requires confirmation by the legislature.

However, if the legislature is found to lack the authority to interfere with the governor's appointment power by prescribing qualifications for particular seats on the APUC, a court could conclude that the governor has the power to switch seats. If the legislature lacks the authority to prescribe qualifications and if the member who is moved continues to serve for the duration of the term he was originally appointed to, and confirmed for, and does not commence a new or different term, no removal or reappointment has occurred. In that situation a court might conclude that the member's service to the state has not been interrupted - no break in service has occurred - so as to require a new appointment by the governor and confirmation by the legislature.

Regardless of whether a seat requires particular qualifications, if the board member commences a new term, that is, if he assumes the term that belongs to the new seat he is taking or the governor appoints him to some wholly new term (regardless of whether his old term has expired), the effect is that of a new appointment or a reappointment, requiring confirmation by the legislature. If the member whose seat is switched retains his original term, that is, if the duration of the period he serves in office is not altered, we do not believe that confirmation would necessarily be required. Note, however, that if the period is shortened by the switch, the member may have a cause of action against the state based upon his or her property interest in the original term. Likewise, if the period is increased a confirmation requirement may be triggered. We have been unable to discover any authority that clearly addresses the question of whether the term is appurtenant to the seat or to the person occupying the seat. Though, it seems reasonable to assume that a term should be found to be appurtenant to the particular seat and not the individual who happens to be occupying it at any particular point in time.

Regarding your questions as to when a term begins and when an appointee goes on the payroll and begins work, AS 39.05.080(4) provides:

- (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.

This language seems to provide that an appointment is effective when the person is appointed by the governor (subject of course to the legislature's authority to reject or fail to confirm the appointee). The Attorney General has so held in an opinion issued February 17, 1982 by Kenneth Vassar, attached. The Supreme Court has, also, held in a similar situation that an appointment is effective when made by the governor. Division of Elections v. Johnstone, 669 P.2d 537 (Alaska 1983). When the person goes on the payroll conceivably could be a different time than when the person is appointed. There are no statutes that set a date that an appointee is to begin receiving a paycheck, though, there are statutes that set out when the governor and lieutenant governor are to begin receiving their salaries. AS 39.20.020 and 39.20.040. These statutes provide that the governor and lieutenant governor begin receiving their salaries when they take the oath of office. At that time they have officially commenced upon the duties of their office. Using these provisions for guidance, we conclude that executive branch appointees should begin receiving their salaries when they take the oath of office and commence upon the duties of their office.

If you have further questions, please contact us at your convenience.

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91-022.lmb

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MEMORANDUM

February 4, 1991

SUBJECT: Alaska Public Corporations (Work Order No. 17 LS-0640)

TO: Representative Dave Donley

FROM: Jerry Luckhaupt *JER*
Legislative Counsel

You have requested a compilation of the public corporations and corporate authorities of the state of Alaska. In my review of the statutes I have found the following corporations and authorities:

- (1) Alaska Amateur Sports Authority (AS 05.40.010);
- (2) Alaska Energy Authority (AS 44.83.020);
- (3) Alaska Gas Pipeline Finance Authority (AS 44.82.010);
- (4) Alaska Housing Finance Corporation (AS 18.56.020);
- (5) Alaska Industrial Development and Export Authority (AS 44.88.020);
- (6) Alaska Medical Facility Authority (AS 18.26.010);
- (7) Alaska Municipal Bond Bank Authority (AS 44.85.020);
- (8) Alaska Permanent Fund Corporation (AS 37.13.040);
- (9) Alaska Railroad Corporation (AS 42.40.010);
- (10) Alaska Resources Corporation (AS 37.12.010);
- (11) Alaska Science and Technology Foundation (AS 37.17.010);
- (12) Alaska Seafood Marketing Institute (AS 16.51.010);
- (13) Alaska State Housing Authority (AS 18.55.020);
- (14) Alaska Tourism Marketing Council (AS 44.33.700);
- (15) Medical Indemnity Corporation of Alaska (AS 21.88.020).

In addition, the Commercial Fishing and Agriculture Bank (AS 44.81.010), appears to have some of the attributes of a public corporation in that the exercise of its powers "is considered to be for a public purpose." AS 44.81.010(a). Further, bills that have been filed so far this year would create the following additional public corporations:

Representative Dave Donley

February 4, 1991

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- (a) HB 10 - Alaska Marine Highway Authority;
- (b) HB 46 - Alaska Spaceport Authority;
- (c) HB 59 - Alaska Mental Health Trust Corporation;
- (d) HB 71 - Alaska State Health Resources Authority;
- (e) SB 18 - Alaska State Pension Corporation;
- (f) SB 73 - Health Insurance Authority.

Gubernatorial appointees to the boards of public corporations are apparently not subject to confirmation by the legislature as the public corporations are not "at the head of a principal department or a regulatory or quasi-judicial agency" as provided in art. III, § 26 of the Alaska Constitution. See also, Bradner v. Hammond, 553 P.2d 1 (Alaska 1976)(only section 26 boards subject to confirmation); Walker v. Alaska State Mortgage Authority, 416 P.2d 245 (Alaska 1966)(ASMA not a section 26 board).

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MEMORANDUM

February 4, 1991

SUBJECT: Removal of Members of Boards of Fisheries and Game (Work Order No. 17LS-0644)

TO: Representative Dave Donley

FROM: Jerry Luckhaupt *JL*
Legislative Counsel

Enclosed is a draft of a bill to provide that members of the Board of Fisheries and the Board of Game may only be removed for cause as provided in AS 16.05.280. To that end, the bill in Section 2, amends AS 16.05.280 by inserting the word "only" after "The governor may" in the first line, thereby making the opening clause of the section read "The governor may only remove a board member for. . ." and, in Section 4, repeals AS 39.05.060(a)(5) and (10), which make certain provisions, including that the members of these boards serve at the pleasure of the governor, applicable to the boards.

The bill also supplies, in Section 1, a term for the members to serve. As explained in the Analysis for the 1991 Revisor's Bill, sec. 8, the previous term provision was repealed in 1975, apparently by oversight. This section of the bill provides the term which has been lacking and is implemented by Section 3 of the Bill, which provides that current members of the boards will complete their terms and new members will be appointed for terms as provided in the bill. As alluded to previously, the replacement of a term in AS 16.05 is also the subject of sec. 8, of the 1991 Revisor's Bill.

Section 5 of the Bill provides for an immediate effective date.

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Enclosure

7-LS0644A ✓
Luckhaupt
2/4/91

HOUSE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the appointment, removal, and terms of the members of the Board
2 of Fisheries and the Board of Game; and providing for an effective date."

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

4 * Section 1. AS 16.05.221 is amended by adding a new subsection to read: —

5 (c) The members of the Board of Fisheries and the Board of Game shall serve staggered
6 three-year terms. They may be reappointed.

7 * Sec. 2. AS 16.05.280 is amended to read:

8 Sec. 16.05.280. REMOVAL OF BOARD MEMBERS. The governor may only remove
9 a board member for inefficiency, neglect of duty, or misconduct in office by delivering to the
10 member a written copy of the charges and giving the member an opportunity to be heard in
11 person or through counsel at a public hearing before the governor or a designee upon at least 10
12 days' notice by registered mail. The member may confront and cross-examine adverse witnesses.
13 Upon removal, the governor or a designee shall file in the proper state office the findings and
14 a complete statement of all charges made against the member.

1 * Sec. 3. APPLICABILITY. A person who is a member of the Board of Fisheries or the Board of
2 Game on the effective date of this Act shall serve the term to which the person was appointed, subject
3 to AS 16.05.280, as amended by sec. 2 of this Act. A person who is appointed to the Board of Fisheries
4 or the Board of Game after the effective date of this Act shall be appointed for the term provided by
5 AS 16.05.221(c).

6 * Sec. 4. AS 39.05.060(a)(5) and 39.05.060(a)(10) are repealed.

7 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 1, 1991

SUBJECT: Governor's Power to Remove Members of Boards and Commissions (Work Order No. 17-LS0618)

TO: Representative Dave Donley, Chair
House Judiciary Committee

FROM: Gerald P. Luckhaupt *GL*
Legislative Counsel

Tamara Brandt Cook *TBC*
Director

You have asked about the power of the legislature to confirm members of various boards and about the authority of the governor to remove members.

Article III, § 26, of the Alaska Constitution provides:

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. . . .

This section clearly provides that the members of art. III, § 26 boards and commissions are subject to confirmation and may only be removed as the legislature has provided by law. The Alaska Supreme Court in Bradner v. Hammond, 553 P.2d 1, 3 (1976) recognized this and said:

Removal of Section 26 board or commission members is as provided by law and, therefore, not necessarily at the governor's pleasure.

To determine how the legislature has provided for the removal of the members of a board or commission that "is at the head of a principal department or a regulatory or quasi-judicial agency" one must look to the specific authorizing legislation for the board or commission to determine if the legislature has provided a specific procedure

Representative Dave Donley

February 1, 1991

Page 2

for removal. One must also look to the statutes pertaining to boards and commissions generally in AS 39 and AS 08. AS 39.05.060 provides that the members of the various boards or commissions listed therein serve at the pleasure of the governor. AS 08.01.020 provides that the members of those boards and commissions listed at AS 08.01.010 serve at the pleasure of the governor.

The removal of the members of boards or commissions that do not meet the attributes of art. III, § 26 boards or commissions is not as simple a question. In considering this situation one must look to the appointment and removal authority of the governor and the type of government established by our constitution.

The government of the state of Alaska is divided into three branches, the executive, the legislative, and the judicial. The authority granted to one branch may not be exercised by another. In Alaska, "[t]he executive power of the State is vested in the Governor." Alaska Constitution, art. III, § 1. In Bradner v. Hammond, *supra*, the court found the executive authority of the governor necessarily clothes him "with the power to appoint subordinate executive officers to aid him in carrying out the laws of Alaska" and that "the appointment of executive officers is an executive function." In support of this proposition the court cited Ahearn v. Bailey, 104 Ariz. 250, 451 P.2d 30 (1969). In that case the Arizona Supreme Court found:

The Governor is charged with the duty of taking care that the laws are faithfully executed. He must, therefore, have the power to select subordinates and to remove them if they are unfaithful. Accordingly, we conclude that the power to remove is an executive function. . . .

And in Myers v. United States, 272 U.S. 52, 117-118, 47 S.Ct. 21, 71 L.Ed.2d 160 (1926) the United States Supreme Court said regarding the powers of the President:

As he is charged specifically to take care that [the laws] be faithfully executed, the reasonable implication even in the absence of express words, was that as part of his executive power he should select those who were to act for him under his direction in the execution of the laws. The further implication must be, in the absence of any express limitation respecting removals, that as his selection of administrative officers is essential to the execution of the laws by him, so must be his power of removing those for whom he cannot continue to be responsible. [Citation omitted.] It was urged that the natural meaning of the term 'executive power' granted the President included the appointment and removal of executive subordinates. If such appointments and removals were not an exercise of the executive power, what were they? They certainly were not the exercise of legislative or judicial power in government as usually understood.

And generally it has been held in other states that:

[T]he power to remove is incident to the power to appoint and that the authority to appoint an officer carries with it the authority to remove such officer in the absence of any constitutional or statutory restriction. (Gowey v. Siggelkow, 382 P.2d 764, 773 (Idaho 1963); 63 Am.Jur.2d, Public Officers and Employees § 221.)

Clearly from this discussion the power to remove a member of a board or commission is as much a part of the executive power of the governor as is the power to appoint as determined by the Alaska Supreme Court in Bradner v. Hammond.

In determining that the confirmation power of the legislature provided in art. III, §§ 25 (principal department heads) and 26, is merely a limited delegation of the executive appointment power to the legislature, the court said:

As to this issue, we think the provisions of Sections 25 and 26 of Article III are clear and unambiguous. Thus, we conclude that Sections 25 and 26 mark the full reach of the delegated, or shared, appointive function to Alaska's legislative branch of government. (Bradner v. Hammond, *supra*, at 7.)

Similarly, the legislature's authority to determine how an art. III, § 26 board or commission member may be removed appears to be a limited delegation of the executive appointment power and is limited to those boards or commissions that are "at the head of a principal department or a regulatory or quasi-judicial agency." Under this reasoning, other board or commission members serve at the pleasure of the governor and may be removed at any time despite limitations the legislature may attempt to impose by statute.

There is contrary authority that rejects the notion that an appointee serves at the pleasure of the governor when the legislature has set a specified term of office or has otherwise limited the authority of the executive to remove the appointee by statute.

But the power of removal is not incident to the power of appointment where the extent of the term is fixed by the statute. In the absence of any provision for summary removal, appointments to continue for life or during good behavior, which in contemplation of law is for a fixed term - or for a fixed term of years cannot be terminated except for cause. It is the fixity of the term that destroys the power of removal at pleasure. (Gowey v. Siggelkow, *supra*, at 774.)

While the Alaska Supreme Court could adopt this general rule in Alaska, the likelihood of this appears to be remote based upon the Supreme Court decision in

Representative Dave Donley

February 1, 1991

Page 4

Bradner. The reasoning of the Bradner court appears to require a determination that non-section 26 boards and commissions are not subject to removal provisions enacted by the legislature and that the members of those boards and commissions serve at the pleasure of the governor. This conclusion seems to be supported by the reasoning in Walker v. Alaska State Mortgage Association, 416 P.2d 245 (Alaska 1966) in which the court treated removal as an executive power and noted that where members of a board serve at the pleasure of the governor they may be removed at any time.

In response to your specific inquiries concerning the Boards of Education, Fisheries, and Game, it appears that all are art. III, § 26 boards and so their members are subject to confirmation and may only be removed as provided by law. AS 14.07.115 provides that members of the Board of Education serve at the pleasure of the governor.

The inquiries concerning the Board of Fisheries and the Board of Game are not as easily answered. AS 16.05.280 provides that "[t]he governor may remove a board member for inefficiency, neglect of duty, or misconduct in office" and provides for notice and a hearing. This section applies to both the Board of Fisheries and the Board of Game and appears to limit the governor to removals for cause only. However, AS 39.05.060 provides that each member of the Boards of Fisheries and Game "holds office at the pleasure of the governor notwithstanding the member's term." AS 39.05.060(d).

Two interpretations are available from the existence of these two seemingly conflicting statutes. One is that they are not in conflict but are merely alternative methods for the removal of board members. The second is that they are in conflict and the later (in time) enactment controls. We will briefly discuss the two interpretations.

That the provisions are not in conflict comports with the general rules governing statutory construction. Generally, repeals of statutes by implication or reach of another statute are disfavored and the statutes will be read in pari materia to avoid any such conflict. Peter v. State, 531 P.2d 1263 (Alaska 1975). Here, the statutes do not necessarily pertain to the same subject matter. AS 16.05.280 pertains to removals of board members for cause and AS 39.05.060 deals with removals of board members without cause. AS 16.05.280 also provides that board members "may" be removed for cause. It does not provide that board members may "only" be removed for cause, thereby not providing an exclusive removal procedure. The statutes may be read together to avoid any conflict, though the net result is to allow for the removal of board members at any time and for any reason. Such a result is not absurd, since a removal for cause may occasion public ridicule and injury to reputation necessitating the notice and hearing provisions of AS 16.05.280, while no such effects would normally attend a without cause removal.

Representative Dave Donley

February 1, 1991

Page 5

The second alternative, that the two provisions are in conflict and that the provision enacted later in time controls, leads to the result that AS 39.05.060 impliedly repealed AS 16.05.280. Terry, supra. AS 16.05.280 was enacted in 1959 and has not been amended since that time. AS 39.05.060 was also enacted in 1959 and included the Board of Fisheries and Game (when only one combined board existed). In 1975 the Board of Fisheries and Game was split into two separate boards, the Board of Fisheries and the Board of Game, by chapter 206, SLA 1975. That act also amended AS 39.05.060 to include both the Board of Fisheries and the Board of Game. Since the legislature is intended to have knowledge of all its previous enactments, its enactment of AS 39.05.060 to include the Boards of Fisheries and Game acted as an implied repeal of AS 16.05.280 under this interpretation and, therefore, the members of the Boards of Fisheries and Game serve at the pleasure of the governor.

Of these two interpretations the former appears to be the most reasonable. Therefore, we conclude that the members of the Boards of Fisheries and Game serve at the pleasure of the governor in addition to being subject to removal for cause after notice and hearing as provided by AS 16.05.280.

In response to your question regarding removal of members of the Board of Trustees of the Alaska Permanent Fund Corporation AS 37.13.070(a) provides:

(a) The governor may remove a member of the board from office. A removal by the governor must be in writing and must state the reason for the removal. A member who is removed by the governor may not participate in board business and may not be counted for purposes of establishing a quorum after the member receives written notice of removal from the governor.

The Board of Trustees is not a regulatory or quasi-judicial body, nor is it at the head of a principal department. (See Walker v. Alaska State Mortgage Association, supra, wherein the court specifically considered and rejected the argument that a board of a public corporation with a legal existence independent of the state is a board of a principal department for purposes of triggering the confirmation requirement.) Since the Board of Trustees is not a section 26 board, members are not subject to confirmation and the legislature may not by law substantially curtail the power of the governor to remove members. It is possible that even the requirement of a statement of reasons for removal would not be enforced by a court.

GPL:TBC:pl
91-059.plm

WALTER J. HICKEL, GOVERNOR

REPLY TO

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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PHONE (907) 276-3550
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PO BOX K - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE (907) 465-3600
FAX (907) 463-5295

February 15, 1991

The Honorable Dave Donley, Chairman
House Judiciary Committee
Alaska House of Representatives
P O Box V
Juneau, Alaska 99811

Re: Second follow-up on
committee testimony
regarding governor's
power of appointment

Dear Mr. Chairman:

This letter serves as my second response to follow up on information asked of this office during my testimony before the House Judiciary Committee on February 5, 1991.

Set out below is our response to questions not previously answered in my memo of February 7, 1991:

1) You asked what our legal authority is for the assertion that the governor has the discretion to withdraw and substitute the name of another person to the legislature to confirm the appointment to fill a vacant office.

It is generally held that uncompleted appointments are subject to withdrawal. Petition of Com'n on Governorship of Cal. v. Curb, 603 P.2d 1357, 1365 (Cal. 1979); In re Advisory Opinion to the Governor, 247 So.2d 428 (Fla. 1971) (tab #1). The appointment is not complete until the legislature confirms and the governor issues a certificate of permanent appointment. Burke v. Schmidt, 191 N.W.2d 281, 284 (S.D. 1971) (tab #2). You will note from our 1979 opinion that we construe the appointment process for recess appointments to consist of a nomination by the governor, transmittal to the legislature, consideration by the legislature in joint session which may or may not result in confirmation of the nominee and, finally, the issuance of a commission by the governor. Attached for your information are copies of the Minutes of the Constitutional Convention which contain the discussion of the interim appointment process I referred to in my testimony (tab #3).

Representative Dave Donley, Chm,
House Judiciary Committee
Re: Second follow-up on committee
testimony regarding governor's
power of appointment

February 15, 1991
Page 2

2) You asked for legal authority for our assertion that the legislature is powerless to confirm an appointee until that appointee's name is transmitted to it.

The answer to this question is arrived at by applying the plain meaning of AS 39.05.080. That section directly implements article III, section 27 of the Alaska Constitution (recess appointments). For recess appointments, section 080 requires a transmittal "within 30 days after convening in regular session." Section 080 requires the governor to "present" appointments. It is not reasonable to interpret this provision so that an appointment can be "deemed" to be presented. Consider the fact that former Governor Cowper's term expired before the 17th legislature convened. It was impossible for him to present an appointment for confirmation to the appropriate legislature during a regular session.

3) You asked for a historical summary of appointments of persons possessing the professional skills set out in AS 42.05.040.

We have discussed this request with the governor's special assistant responsible for appointments to boards and commissions. The bulk of records that must be analyzed to answer this question are located in the state archives. Neither the governor nor this office have the personnel available to conduct the extensive record search necessary to adequately answer this request. However, personnel in the governor's office are willing to advise your research staff as to methods for gathering the necessary records.

4) You asked for results of our research on the question of what constitutes a "regulatory" board.

Attached you will find copies of pages from the Minutes of the Constitutional Convention that explain the meaning of the term "regulatory board" intended by the framers of the state constitution (tab #4).

5) You asked for copies of cases that reached an opposite holding to that of McChesney v. Sampson, 23 S.W.2d 584 (Ky 1930).

A good collection of the cases both supporting McChesney and reaching an opposite holding are set out in the annotation appearing at 89 ALR at 132. Rather than copying all the cases, I have attached a copy of the annotation (tab #5). Additionally, attached is Burke v. Schmidt, 191 N.W.2d 281 (S.D. 1971) (tab #2).

Representative Dave Donley, Chm,
House Judiciary Committee
Re: Second follow-up on committee
testimony regarding governor's
power of appointment

February 15, 1991
Page 3

We believe that the foregoing together with the corresponding attachments constitutes a full response to the committee's questions. Do not hesitate to call if we can assist you further.

Sincerely yours,

CHARLES E. COLE
ATTORNEY GENERAL

By:


James L. Baldwin

Assistant Attorney General

JLB:jr

Attachments

MEMORANDUM

State of Alaska
Department of Law

TO: Honorable Dave Donley, Chairman
House Judiciary Committee
House of Representative
Alaska State Legislature

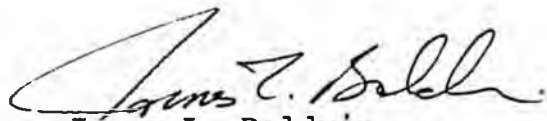
DATE: February 7, 1991

FILE NO:

TEL NO: 465-3600

SUBJECT: Follow up on committee
testimony

FROM:



James L. Baldwin
Assistant Attorney General
Governmental Affairs Section

Thank you for the opportunity to testify during a hearing of the House Judiciary Committee held on February 4, 1991, regarding the various issues concerning the governor's appointment power. During questioning by the committee, I was asked to provide additional information to assist in further deliberations. Attached you will find:

1) a copy of our January 25, 1979 opinion concerning the necessity to confirm holdover principal department heads;

2) a copy of the settlement agreement in the matter of Michael Whitehead; and

3) a copy of a brief I filed in District 16 Republicans v. Cowper, No. 4FA-87-2009 Civil. In this brief, I discussed the validity of a statute authorizing confirmation of an appointment to an office for which confirmation is not expressly authorized by the State Constitution. I believe this brief is relevant because the constitution authorizes the establishment of an appointment procedure by statute for filling a mid-term legislative vacancy. This case was settled before a decision could be rendered by the Superior Court. However, the authorities cited remain relevant to the issue we were debating.

I hope that the documents provided will help you to understand our legal arguments discussed during the hearing. We will provide the remainder of the information you requested in the time specified.

JLB:jr

Attachments

cc: Ron Lorensen, AAG, Legislation

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

File: 663-79-0462

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

January 25, 1979

The Honorable Jay S. Hammond
Governor
Pouch A
Juneau, Alaska 99811

Re: Confirmation of heads of principal departments

Dear Governor Hammond:

You have asked whether either custom or law require you to submit the names of the heads of principal departments to the legislature for confirmation when they carry over in office following a gubernatorial election.

The short answer is that neither custom nor law impose any such requirement.

The law on the subject has been stated succinctly as follows:

When the term of office is not fixed by law, the officer holds office at the will of the appointing power, and strictly speaking has no term of office.

67 C.J.S. Officers § 66(b). Under the Alaska Constitution, the Governor is the "appointing power." Bradner v. Hammond, 553 P.2d 1 (Alaska 1976). Article, section 25, of the Alaska Constitution provides as follows:

The head of each principal department . . . shall be appointed by the governor, subject to confirmation by . . . the legislature . . . and shall serve at the pleasure of the governor. . . .

ATTACHMENT 1

Accordingly, under the general rule, the heads of the principal departments, once appointed and confirmed, serve indefinitely until they leave office. Unlike the Governor, whose term is fixed by the constitution, their terms are indefinite. The occurrence of a gubernatorial election has no effect, in itself, on their terms. They continue to serve even upon the election of a new governor until they are discharged by the governor or resign. There is no vacant office to which the incumbent may be "appointed" or "reappointed," and therefore no appointment or reappointment for the legislature to confirm.

The custom nationally and in Alaska is consistent with this interpretation. No reelected President of the United States has been known to have submitted for confirmation the names of persons holding over as cabinet officers. One can search the diaries of Harold Ickes, the Secretary of the Interior from 1933 through 1946, in vain for any record of his reconfirmation in 1937, 1941, or 1945. There was none. Since the first election of Franklin D. Roosevelt in 1932, there have been seven instances of presidential reelections involving cabinet officers who held over and three instances of vice-presidential succession involving cabinet officers who held over. So far as is known, the name of none was submitted for confirmation.

In Alaska, prior to 1978 there has been only one instance of a gubernatorial reelection, Governor Egan's reelection in 1962. In 1963, Governor Egan submitted the names of the heads of six principal departments to the legislature for confirmation. All but one had succeeded to office since the adjournment of the 1962 legislature. The one exception was an appointment to head a new department established by law by the 1962 legislature. The Governor did not submit the names of the heads of seven departments who had carried over in office, e.g., Floyd Guertin, who had served as Commissioner of Administration since Statehood, and Phil Holdsworth, who had served as Commissioner of Resources for the same period. 1963 Supp. to H. and S. Jour. April 9, 1963.

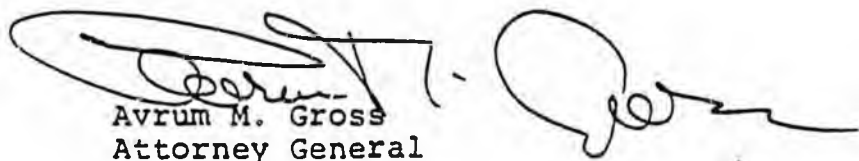
When Lieutenant Governor Miller succeeded to the office of Governor, he did not submit the names of the heads of all the principal departments for confirmation but rather only those who had been appointed to office since their predecessors had been confirmed, i.e., a new Attorney General, new Commissioners of Administration, Highways, and new Public Works. 1969 S. Jour. 491 (Mar. 27, 1969). Hence, the custom in Alaska is the same as at the national level.

Accordingly, neither by law nor by custom need you submit for legislative confirmation the names of the heads

The Honorable Jay S. Hammond
January 25, 1979
Page 4

of principal departments whose appointments have already been confirmed and who have carried over in office. There are no vacancies in those offices to which an appointment or reappointment can be made, and no appointment or reappointment which the legislature can affirm.

Sincerely,


Avrum M. Gross
Attorney General

AMG:chw:RWP

RELEASE AND SETTLEMENT AGREEMENT

Michael M. Whitehead was appointed to a position on the Alaska Commercial Fisheries Entry Commission by Governor Hammond on October 16, 1982, for a term expiring July 1, 1985. In a letter to Mr. Whitehead dated February 28, 1983, Governor Sheffield advised Mr. Whitehead that he had decided to appoint another person to fill the term to which Mr. Whitehead had previously been appointed by Governor Hammond. In that letter Governor Sheffield thanked Mr. Whitehead for his service to the public interest, and stated that he had been enormously helpful to the state during his tenure as Commissioner. On or about March 1, 1983 the Governor's office caused to be circulated to all members of his office, the Lieutenant Governor and all members of his cabinet a memorandum stating that the Governor had chosen to appoint another person to Mr. Whitehead's position on the Commission.

Mr. Whitehead disputed the Governor's power to remove him from office. Specifically, Mr. Whitehead contended that the Governor was required by AS 39.05.080 to submit his name to the Legislature within 30 days of its convening. He further contended that, by virtue of AS 16.43.030(a), he could be removed from office only for "cause." The Governor has acknowledged that no "cause" exists for Mr. Whitehead's removal; indeed, as already stated, Mr. Whitehead's performance of his duties as Commissioner has been outstanding. The fundamental basis for Mr. Whitehead's claim is that, had the Governor removed him from office as planned, he would have suffered serious emotional and mental injury and despite the Governor's commendation of his performance in office, he would nevertheless have suffered reputational harm.

The Governor, on the other hand, maintains that, despite Mr. Whitehead's outstanding job performance, he has the power under law to withdraw Mr. Whitehead's interim recess appointment to the Commission by failing to transmit Mr. Whitehead's name to the Legislature for confirmation. In fact, on or about March 23, 1983 the Governor appointed Mr. Richard Listowski to Mr. Whitehead's position and sent Mr. Listowski's name to the Legislature for confirmation, and on June 8, 1983 the Legislature in joint session confirmed Mr. Listowski's appointment.

But for this settlement agreement, the Governor would have taken steps to remove Mr. Whitehead from the Commission, forcing a judicial determination of the dispute. In order to avoid the expense and uncertainty of litigation and in consideration of the promises contained herein, the Governor and Mr. Whitehead agree to settle this dispute on the following terms:

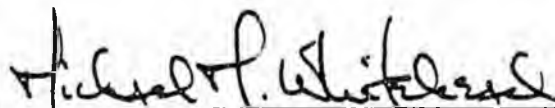
1. The State of Alaska will pay to Mr. Whitehead the sum of Seventy Five Thousand and 00/100 Dollars (\$75,000.00), receipt of which is hereby acknowledged.

2. Mr. Whitehead's employment on the Alaska Commercial Fisheries Entry Commission ends as of the close of business on Thursday, June 16, 1983, and he will receive all salary and benefits that will normally accrue as a result of his employment.

3. Mr. Whitehead hereby waives any claim he has to a position on the Alaska Commercial Fisheries Entry Commission.

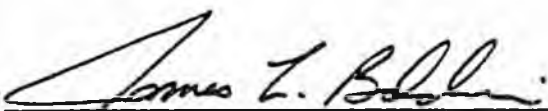
4. Mr. Whitehead and the State of Alaska hereby release and forever discharge each other of and from any and all claims, including claims arising from the allegedly tortious conduct described in this agreement, whether known or unknown, foreseen or unforeseen, which they have now or which may hereafter accrue on account of the events set forth in this agreement.

DATED at Juneau, Alaska this 16th day of June, 1983.



Michael M. Whitehead

ATTORNEY GENERAL
STATE OF ALASKA

By: 

James L. Baldwin
Assistant Attorney General

ATTORNEY GENERAL, STATE OF ALASKA
STATE CAPITOL
PO. BOX K, JUNEAU, ALASKA 99811
PHONE 485-3600

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

FAIRBANKS REPUBLICAN PARTY)
DISTRICTS 19, 20, and 21,)
Plaintiffs,)
and)
MITCH ABOOD, et al.,)
Plaintiffs in Intervention,)
vs.)
STEVE COWPER, Governor of the)
State of Alaska,)
Defendant.)

STEVE COWPER, Governor of the)
State of Alaska,)
Plaintiff,)
vs.)
JAN FAIKS, et al.,)
Defendants.)

No. 4FA-87-2009 CIV
No. 1JU-87-1849 CIV
CONSOLIDATED

MEMORANDUM IN SUPPORT OF
GOVERNOR'S MOTION FOR JUDGMENT ON THE PLEADINGS

I. INTRODUCTION

The governor filed an action to determine the validity of a purported rejection of an appointment he made to fill a legislative vacancy for the seat which represents senate district K-A. A similar action was brought in Fairbanks by persons seeking to have the governor make a subsequent appointment. The

ATTORNEY GENERAL, STATE OF ALASKA
STATE CAPITOL
P.O. BOX K, JUNEAU, ALASKA 99811
PHONE 465-3600

1 court requested briefing and argument on the issue of whether
2 the senate must be in session when the appointment is confirmed
3 or rejected. The governor has styled this memorandum as being
4 in support of a motion for judgment on the pleadings.

5 The vacancy was created by the death of Senator Don
6 Bennett on August 30, 1987. Senator Bennett was a member of the
7 Republican Party. His most recent term began in January 1984.
8 Plaintiffs are local districts of the Republican Party situated
9 in senate district K-A (in this memorandum we will refer to
10 plaintiffs as "the districts"). The districts proposed to the
11 governor that he appoint Dick Randolph to fill the vacancy. The
12 governor, after a period of deliberation, appointed Beverly
13 Bennett on September 23, 1987 to fill the vacancy created by the
14 death of her husband. Exh. 1.

15 Plaintiffs in intervention are members of the state
16 senate and members of the state Republican Party (in this memo-
17 randum, plaintiffs in intervention will be referred to as "the
18 Republican senators"). The republican senators are duly elected
19 members of the state senate. A vacancy in the seat representing
20 senate district K-A must be filled by appointment by the gover-
21 nor because Senator Bennett had less than two years and five
22 months remaining in his term of office. AS 15.40.370, 15.40.-
23 380. Under the state election code (AS 15), the appointment is
24 subject to confirmation by "a majority of the members of the
25 legislature who are members of the same political party which
26 nominated the predecessor in office and of the same house as was

ATTORNEY GENERAL, STATE OF ALASKA
STATE CAPITOL
P.O. BOX K, JUNEAU, ALASKA 99811
PHONE 465-3600

1 the predecessor in office." AS 15.40.330(a).

2 On October 7, 1987, during the interim between legis-
3 lative sessions and while the state senate was adjourned, the
4 governor received a letter on official senate letterhead which
5 purported to be a "report." The report advised the governor
6 that 11 republican senators met and purportedly voted to reject
7 the governor's appointee. Exh. 2. The report also discloses
8 that one of the senators participated "via teleconference." The
9 governor immediately filed an action seeking a declaratory judg-
10 ment as to whether the purported rejection was effective. The
11 governor also questioned the validity of the delegation of con-
12 firmation power to a group of legislators. Governor's Compl..
13 dated Oct. 7, 1987, Count 2.

14 As a preliminary matter, the court should be aware of
15 the connection between the districts and the republican sena-
16 tors. The districts publicly offered only one name for appoint-
17 ment to fill the vacancy. In turn, the republican senators de-
18 clared that they would confirm only persons recommended by the
19 districts. Acquiescence in these demands would place the true
20 appointment power in the hands of the districts. The governor
21 requested the attorney general to advise him concerning the
22 proper role of the districts in the process for selecting an
23 appointee. An informal attorney general opinion was issued on
24 September 21, 1987. 1987 Inf. Op. Att'y Gen. (Sept. 21; 663-88-
25 0107), Exh. 3. The attorney general advised that the districts
26 had no legal claim to a formal role in the appointment process.

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II. THE PROPER ROLE OF THE DISTRICT COMMITTEES

The Alaska Constitution directs the legislature to enact a procedure to fill mid-term vacancies in the legislature. Alaska Const. art. II, § 4. This section was implemented in 1960 by the enactment of AS 15.40.320 -- 15.40.470. The election code does not contain a requirement that the governor select the successor from a list of nominees provided by the local committee of the political party of the predecessor in office. It is not unusual for the governor to consult with local district committees before making an appointment to fill a vacancy. It make good sense to do so. However, when the governor and the nominee are not of the same political party, disagreements occasionally erupt over who should be appointed. Governors have, out of courtesy, solicited advice from local political organizations during the appointment process. But, when push comes to shove, it is the governor who is vested with the appointment power by state law and the constitution. He may seek counsel from whomever he wishes.

A review of historical precedent involving the rejection of appointments to fill legislative vacancies confirms the governor's power to act without consultation. The precedent was established soon after statehood during the first term of the Egan administration. Governor Bill Egan and senators were engaged in a struggle over an appointment to fill a vacancy left by the death of Senator Elton Engstrom, Sr. During the course

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1 of that controversy, Governor Egan appointed and the senate mem-
2 bers of the Republican Party successively rejected four persons
3 before a successor was confirmed. The senators demanded that
4 Governor Egan appoint from a list of candidates provided by the
5 local republican committee. Governor Egan responded to the de-
6 mand as follows:

7 Please permit me to point out that there is no
8 reference to political committees of either major
9 political party in the law which covers filling
10 of vacancies in the State Legislature. If the
11 legislature had intended that political commit-
12 tees would be responsible for such appointments,
13 the Legislature would have so provided.

14 1963 Senate J. 73. Since 1963, the legislature has been in-
15 formed of Governor Egan's interpretation and chose not to amend
16 the election code to create a role for a district committee of a
17 major political party.

18 III. THE CONFIRMATION POWER CANNOT BE DELEGATED AWAY

19 The issue identified by the court for initial consid-
20 eration concerns whether the republican senators must act for-
21 mally as a subdivision of the senate or informally as a politi-
22 cal caucus. A caucus is a private, partisan political organiza-
23 tion. It is not an official interim or standing committee of
24 the legislature. Consistent with this premise, the Alaska
25 Supreme Court has observed that a political caucus is not a leg-
26 islative body or committee and because of that status is not
subject to the Open Meetings Act (AS 44.62.310). Malone v.
Meekins, 650 P.2d 351, 359 (Alaska 1982). The governor submits

1 that the legislature cannot delegate confirmation powers to in-
2 dividual legislators, especially if they purport to act in the
3 form of a private political caucus.

4 The power to appoint persons to fill a vacant legisla-
5 tive office is accorded by law to the governor and is an execu-
6 tive power. By reserving a right to confirm appointees, the
7 legislature is attempting to authorize a part of the senate to
8 share executive powers. Bradner v. Hammond, 553 P.2d 1, 7
9 (Alaska 1976) ("... [C]onfirmation is a specific attribute of
10 the appointive power of the executive."). The legislature may
11 only share the executive power of appointment when the state
12 constitution specifically permits it. Id.

13 Because the appointive office is legislative rather
14 than executive, the senate, as a separate house of the legisla-
15 ture, has an express constitutional remedy to assure the ap-
16 pointment of qualified persons to serve there. Article II, sec-
17 tion 12 of the Alaska Constitution provides: "Each [house of
18 the legislature] is the judge of the election and qualifications
19 of its members...." Respected authority on legislative proce-
20 dure states: "The exclusive power to judge of the qualifica-
21 tions and elections of its members is fixed in each house and
22 cannot by its own consent or by legislative action be vested in
23 any other tribunal or office." Mason's Manual of Legislative
24 Procedure, § 560(5) (1979 rev'd ed.) (hereafter Mason's). The
25 confirmation power added by AS 15.40 has the effect of giving
26 the exclusive power to judge qualifications to a group of legis-

1 lators determined by political affiliation rather than by mem-
2 bership in a house of the legislature as contemplated in the
3 constitutional scheme devised by the framers.

4 Under the election code, a minority of one house of
5 the legislature can frustrate the governor's will and circumvent
6 the express remedy for determining the qualifications of persons
7 selected to serve there. The Alaska Constitution provides:
8 "The legislative power of the state is vested in a legislature
9 consisting of a senate with a membership of twenty and house of
10 representatives with a membership of forty." The senate Repub-
11 licans are acting as if the senate is comprised of a membership
12 of eleven. They are also acting as if the senate can convene
13 and transact legislative business without the aid of the gover-
14 nor or the house of representatives. Additionally, the gover-
15 nor's duty to execute the election code is impaired in an inap-
16 propriate manner by requiring him to share the appointment power
17 with a partisan group of legislators. Legislators are members
18 of the law-making branch of state government. If they are al-
19 lowed to participate in the making of an appointment, they would
20 be executing the law as well.

21 The governor is not arguing that all delegations of
22 legislative power are invalid. Only a delegation which confers
23 the exclusive right to determine qualifications of a person ap-
24 pointed to legislative office. For example, the court is given
25 jurisdiction to determine election contests involving the quali-
26 fications of a legislator-elect. AS 15.20.540 -- 15.20.560.

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1 However, that power is limited to determining if a candidate is
2 qualified "as required by law." AS 15.20.540(2). This power
3 was determined to be "not atypical" and to reflect a traditional
4 role for the judiciary to assume. Boucher v. Bomhoff, 495 P.2d
5 77 (Alaska 1972); accord Mason's, § 560(7) (1979 rev.). The
6 election code expressly states that the grant of power to the
7 courts to hear election contests is "not intended to limit or
8 interfere with the power of the legislature to judge the elec-
9 tion or qualifications of its members. AS 15.20.560. If the
10 rejection by the republican senators is effective, the senate
11 will never be able to judge the qualifications of Mrs. Bennett.
12 Unlike the grant of jurisdiction to the superior court to hear
13 election contests, the confirmation power is delegated to a
14 group of legislators without standards to direct the exercise of
15 the legislative power.

16 It is expected that plaintiffs will argue that the
17 constitutional directive set out in article II, section 4 of the
18 Alaska Constitution authorizes the delegation of confirmation
19 power to a legislative political caucus. Article II, section 4
20 provides: "A vacancy in the legislature shall be filled for the
21 unexpired term as provided by law. If no provision is made, the
22 governor shall fill the vacancy by appointment." However, in
23 State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980), the
24 Alaska Supreme Court observed:

25 The legislature is bound to act in accordance
26 with the constraints provided in article II of
the constitution. The fact that it can delegate

Mm. for Jgmt on the Pleadings

1 legislative power to others who are not bound by
2 article II does not mean that it can delegate the
3 same power to itself and, in the process, escape
4 from the constraints under which it must operate.

5 606 P.2d at 777. The court went on to make the following gener-
6 al statement: "It is therefore worth observing that most au-
7 thorities have rejected the validity of the laws conferring ei-
8 ther affirmative or negatory legislative powers on individual
9 legislators or committees." 606 P.2d at 778 (citing and discuss-
10 ing State ex rel. Judge v. Legislative Finance Committee, 543
11 P.2d 1317 (Mont. 1975) (legislature could not delegate power to
12 approve budget amendments to an interim legislative committee)
13 and People v. Tremaine, 168 N.E. 817 (N.Y. 1929) (legislature
14 may not grant certain legislative committee chairmen the power
15 to disapprove of the allocation of lump sum appropriations to an
16 executive agency)).

17 The superior court sitting in Juneau has ruled on the
18 delegation question. In 1978, Judge Thomas Stewart decided that
19 an interim committee of the legislature could not approve of
20 transfers between appropriations during the interim between leg-
21 islative sessions. Kelley v. Hammond, C.A. No. 77-4 CIV (Alaska
22 Super., 1st Dist., Juneau, Decision on Mn. for Pt. Sum. Jgmt.,
23 Apr. 12, 1978), Exh. 4. Judge Stewart reasoned that the budget
24 and audit committee was attempting to act as a mini-legislature
25 by exercising legislative powers during the interim. The case
26 was not appealed and the legislature amended AS 37.07.080(e) to
provide that transfers between appropriations may only be au-

Mm. for Jgmt on the Pleadings

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1 thORIZED in an appropriations Act.

2 The foregoing analysis shows that the legislature can-
3 not vest the legislative duty of confirmation in a discrete
4 group of legislators. To sanction the delegation would allow
5 the legislature to operate without the procedural safeguards
6 established in article II of the Alaska Constitution. The gov-
7 ernor will show in the next subdivision of this memorandum that
8 the legislature may act only when it is assembled in session and
9 by recorded vote.

10
11 IV. CONFIRMATION IS A LEGISLATIVE DUTY REQUIRING FORMAL
ACTION

12 Under the governor's theory of this case, the court is
13 asked to render a declaratory judgment concerning the formality
14 with which the legislature must exercise legislative powers.
15 The court is requested to determine if duties assigned by law to
16 a house of the legislature, or a part of it, must be exercised
17 by a formal vote during a session of the senate. Plaintiffs
18 would have the court validate a procedure where an appointee to
19 high government office is divested of any right to that office
20 by unofficial action by individual senators acting in their of-
21 ficial capacities separately from the senate. The election code
22 requires the confirming body to be members of the legislature
23 and the state senate. AS 15.40.330(a). These institutions of
24 the legislative branch of state government exist as corporate
25 bodies and not through individuals elected to serve in those
26 bodies.

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1 It is only when the houses of the legislature are law-
2 fully assembled that they constitute the legislature of the
3 state. Mason's, § 780(13) (citing Ex Parte Hague, 147 A. 220
4 (N.J. 1929). Mason also observes: "The decision of a delibera-
5 tive body can be made only by the taking of a vote at a meeting.
6 The fact that members have individually expressed opinions on a
7 question is not a decision of the body and is of no effect."
8 Mason's, § 520(1). At best, the report of the caucus meeting
9 held in Anchorage to consider the qualifications of Mrs. Bennett
10 should be accorded no more force than a report of a standing
11 committee of the senate. Those powers are to study and analyze
12 the subject matter referred to the caucus and to report back to
13 the parent body. The report by the caucus should be considered
14 advisory only. The binding decision is made by the senate or a
15 part of it after it reconvenes.

16 The election code pertaining to legislative vacancies
17 specifies an appointment procedure that includes confirmation as
18 the final step. AS 15.40.330(a). During the appointment strug-
19 gle of 1963, Governor Egan demanded that if the senate Republi-
20 cans desired to reject his appointment, a vote must be taken on
21 the question of confirmation in open session with the vote re-
22 corded in the journal. 1963 Senate J. 74. The senators attempt-
23 ed to record the rejection by reading a report from the caucus
24 into the Senate Journal. The demand for direct action during
25 regular session was based on an interpretation of the election
26 code advanced in an opinion of the attorney general. 1963 Inf.

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1 Op. Att'y Gen. (Feb. 12; Gross), Exh. 5. The senate acceded to
2 the governor's demand by correcting the journal and taking ac-
3 tion in open session to vote on the question of confirmation.
4 1963 Senate J. 85.

5 The attorney general opined that the term "confirma-
6 tion" should be construed to mean a formal process undertaken by
7 the appropriate house of the legislature culminatin~~g~~ in a vote
8 on the question. Since 1963, the legislature has been informed
9 of a formal interpretation of AS 15.40 by the attorney general.
10 During that period, the legislature has undertaken major revi-
11 sions to the election code. See ch. 100, SLA 1980. However,
12 the provisions under review in this action were not changed to
13 alter the effect of the attorney general's construction of AS
14 15.40. The interpretation was announced within three years
15 after the appointment provisions were enacted and has remained
16 in effect for 24 years.

17 The longstanding interpretation announced by the at-
18 torney general is entitled to great weight. State, Dept. of
19 Revenue v. Alaska Pulp America, Inc., 674 P.2d 268 (Alaska
20 1983). However, this is not to say that the attorney general is
21 infallible, nor that opinions of the attorney general are always
22 controlling. The court is the final authority on important
23 questions of statutory construction. Trustees for Alaska v.
24 Watt, 524 F. Supp. 1303 (D.C. Alaska 1981); aff'd 690 F.2d 1279
25 (9th Cir. 1982). The court should adopt the attorney general's
26 interpretation because it is consistent with the provisions of

1 the election code and legal authority concerning the manner in
2 which the legislature must transact legislative business.

3 Even if the governor were to concede for the purpose
4 of argument that a part of the senate could be authorized to
5 confirm, the Republican senators may only exercise their dele-
6 gated powers when the senate is assembled in lawful session.
7 The election code does not contain an express authorization for
8 the senators to meet during the interim. Rather, the code im-
9 plies that confirmation will take place during the session. The
10 governor contends that formality is necessary to ensure deliber-
11 ation before action is taken, to ensure that the requisite ma-
12 jority of the house votes to confirm or reject, and to provide a
13 public record of the vote of each legislator. It must be remem-
14 bered that the qualifications of a prominent citizen of the
15 state to hold office is ultimately at issue here.

16 Under the election code, the governor must appoint a
17 successor if the term is less than two years and five months, or
18 if a special election cannot be held before the legislature re-
19 convenes. An appointment can be defeated in two ways. First,
20 by rejection through the confirmation process, if the predeces-
21 sor in office was "a member of a political party." AS 15.40.-
22 330(a). Second, by election of a person other than the appointee
23 to fill the vacancy. AS 15.40.380. The election code provides
24 for the "date of office" of an appointee. AS 15.40.340. Sec-
25 tion 340 states that the date of office of an appointment not
26 subject to confirmation is, in this case, the date the legisla-

1 ture reconvenes. However, if the appointment is subject to con-
2 firmation, the clear implication is that the "date of office" is
3 later; i.e., a date, after the reconvening of the legislature,
4 on which the appointment is confirmed.

5 The term "confirmation" has a commonly understood
6 meaning when used to describe a legislative procedure. The term
7 connotes a formal process that is performed by a vote taken on
8 the record during a session of the confirming body. The state
9 constitution provides that executive appointments are confirmed
10 during joint session. Alaska Const. art. III, §§ 25 and 26.
11 The legislature implemented the confirmation power by establish-
12 ing a procedure for the consideration of all executive appoint-
13 ments made by the governor. This procedure requires a formal
14 vote by all members. AS 39.05.080(4); see also Rule 46, Uniform
15 Rules of the Alaska State Legislature. The provisions imple-
16 menting the procedures for confirmation of appointments to exec-
17 utive office are in pari materia with AS 15.40 and should be
18 used to interpret the meaning of the provision under review
19 here. There is no basis for a more liberal interpretation of
20 the term "confirmation."

21 Because the legislature does not meet during the in-
22 terim, there is no institutional need to provide for an earlier
23 confirmation. Even the election code provides that an appoint-
24 ee's office does not begin until confirmation. AS 15.40.340.
25 If the legislature perceives a need to confirm an appointee dur-
26 ing the interim, a special session could be called to take up

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1 the question. See Alaska Const. art. II, § 9. Apparently, the
2 leadership of the house of representatives had no interest in
3 calling such a session. Exh. 6. The senate Republican caucus
4 also requested the governor to call a special session to resolve
5 this dispute. However, the governor declined to exercise his
6 discretionary power to do so under article III, section 17 of
7 the Alaska Constitution. Exh. 7.

8
9 V. CONCLUSION

10 The governor contends that AS 15.40.330(a) is invalid
11 because that statute purports to delegate the power to determine
12 the qualifications of an appointed senator to a few legislators
13 serving in the senate. This function may only be performed by
14 the entire senate. The statute purports to require the governor
15 to share his appointment power with individual legislators.
16 Once a power of appointment is assigned by statute to the gover-
17 nor, the legislature cannot attempt to also exercise that power.
18 The Republican senators carry the grant of the confirmation
19 power too far when they attempt to exercise it during the inter-
20 im. To be valid at all, confirmation must be decided when the
21 senate is assembled in session. The vote of each senator per-
22 mitted to vote must be recorded in the senate journal.

23 For the reasons set out in this memorandum, the gov-

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ernor is entitled to judgment on all counts set out in his
complaint.

DATED: November 25, 1987

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: James L. Baldwin
Assistant Attorney General

ATTORNEY GENERAL, STATE OF ALASKA
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Alaska State Legislature



House of Representatives House Judiciary Committee

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(907) 465-4990
(907) 465-4712

February 6, 1991

James L. Baldwin
Department of Law
P.O. Box K
Juneau, AK 99811

Dear Mr. Baldwin:

Thank you very much for your participation in the House Judiciary Committee hearing on February 4, 1991.

The following is a summary of the information that you committed on behalf of the Department of Law to provide to the committee:

The legal authority for the Attorney General's position that transmittal to the legislature of the name of an individual who has been appointed to a Section 26 board, under AS 39.05.080, is a discretionary act on the part of the governor.

The legal authority for the position that, until the name of such an appointee has been formally transmitted by the governor to the legislature, the legislature is powerless to exercise its confirmation powers with respect to that appointee.

The legal authority for the position that the removal provision for APUC Commissioners, AS 42.05.035, is invalid.

An historical summary of appointments to the law, engineering, finance, accounting or business administration, and consumer chairs on the APUC, as prescribed by AS 42.05.040.

The informal Attorney General's opinion stating that an executive appointee, once confirmed by the legislature, need not be resubmitted to the legislature after being reappointed to either the same or a different position.

The results of your research on the question of what constitutes a "regulatory" board under Article III, Section 26, of the Alaska Constitution.

Copies of the cases that reached an opposite holding to that of McChesney v. Sampson, 232 Ky 395, 23 S.W.2d 584 (1930).

A copy of the settlement agreement between the state and Michael Whitehead after he was removed from the Commercial Fisheries Entry Commission.

Because the committee would like to receive the above-requested information by February 15, 1991, your prompt attention to this request will be greatly appreciated.

Sincerely,



Dave Donley, Chair
House Judiciary Committee

DD/hk

Alaska State Legislature



House of Representatives House Judiciary Committee

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January 28, 1991

The Honorable Charles E. Cole
Attorney General
P.O. Box K
Juneau, Alaska 99811

Re: House Judiciary Hearing
February 4, 1991

Dear Attorney General Cole:

On February 4, 1991, the House Judiciary Committee will be holding a hearing to review constitutional issues related to the appointment authority of the Governor. Because the committee has several questions to ask the Department of Law, we would request that an attorney from the department attend the February 4 meeting prepared to answer questions from committee members.

Enclosed with this letter is an opinion we recently received from our Legislative Counsel which concludes that an appointment to the Alaska Public Utilities Commission made by Governor Cowper is binding on the new administration and may not be withdrawn by the new governor prior to confirmation by the legislature. Although this opinion appears to conflict with attorney general's opinions issued in 1979 and 1983, it is possible, given the development of the law in this area, that the Department of Law may now agree with the Legislative Counsel's legal conclusions.

One of the questions the committee would like answered on February 4 is whether the department agrees with the enclosed opinion from Legislative Counsel, and if not, the legal basis for the disagreement. Another question is whether the state settled a lawsuit brought by Michael Whitehead after he was removed from the Commercial Fisheries Entry Commission under the circumstances described by the Legislative Counsel, and if so, what were the terms of the settlement. (In Anchorage School District v. Anchorage Daily News, 79 P.2d 1191 (Alaska 1989), the court ruled that public agencies may not circumvent statutory public record

disclosure requirements by agreeing to keep the terms of a settlement agreement confidential.)

In addition to discussing the specific issues raised in the Legislative Counsel's opinion, the committee is also interested in a variety of issues related to the Governor's authority to appoint, and to revoke appointments, to the Board of Fish, the Board of Game, the Board of Education, and the Board of Trustees of the Permanent Fund Corporation. It would be helpful if the attorney attending the February 4 meeting is prepared to discuss appointments to these entities.

Thank you in advance for your cooperation.

Very truly yours,

Dave Donley, Chair

DD:lho

MEMORANDUM

State of Alaska

TO: Lori Svensson
Administrative Officer
AK Seafood Marketing Institute


DATE: February 17, 1982

FILE NO: J66-377-82

TELEPHONE NO: 465-3600

DM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Terms of office of of-
ficers of Alaska Sea-
food Marketing Inst.

By: 
Kenneth E. Vassar
Assistant Attorney General

You have asked whether the term of office of a member of the board of directors of the Alaska Seafood Marketing Institute who is also an officer of the institute may be construed to begin on the date of the first meeting of the board following the officer's appointment. It may not.

Under AS 16.51.020, the governor appoints members of the board of directors, and, under AS 16.51.030, the members of the board serve staggered three-year terms of office. Nothing in the statutes expressly states when a board member's term of office begins. In this situation, the general rule is that the term of office begins to run from the date of the appointment. 63 Am.Jur.2d, Public Officers and Employees, § 151. The power to determine when an appointee's term will begin is part of the appointing power which, under AS 16.51.020, is assigned to the governor. The suggested construction would make that power dependent upon the will of the board rather than that of the governor.

You have also asked whether the by-laws of the institute should be amended to address the situation in which the term of office of a board member who is an officer of the institute and who is not reappointed, expires leaving the institute with a vacancy in that office. Certainly, the by-laws could consider this contingency, and there are undoubtedly several methods of addressing the problem. However, the simplest method would seem to be for the staff of the institute to maintain a list of the board members who are officers and the expiration dates of their terms as board members. Then, a meeting of the board can be scheduled to follow shortly after the expiration date of a director's term so that any vacancy which arises can be filled without undue delay; or, at the last meeting before the expiration date, another director can be elected to take the office if the first director is not reappointed.

KEV/pjg

APR 18 1991

Peter Sokolov
11100 Magnolia Street
Anchorage, AK 99516
April 17, 1991

Senator Drue Pearce
P.O. Box V
Juneau, AK 99811

RE: Confirmation of Peter Sokolov's Reappointment to the
Alaska Public Utilities Commission

Dear Senator Pearce:

I am writing to request your vote to confirm my reappointment to the engineering seat on the Alaska Public Utilities Commission. I joined the Commission in 1976 as a Utilities Engineer, became Chief Engineer in 1979 and, in 1987, was appointed by Governor Cowper to serve out the remaining term on the Engineering seat that ended on October 31, 1990. On December 1, 1989 I was appointed Chairman and on October 23, 1990, Governor Cowper reappointed me to the engineering seat for a new 6-year term that began on Nov 1, 1990.

On reappointment by Governor Cowper in 1990, my name was properly submitted to the Legislature for confirmation. However, Governor Hickel has attempted to "withdraw" my name from consideration by the Legislature, to prevent it from exercising its constitutional confirmation powers. Governor Hickel has also wrongfully removed me from the Commission, in violation of a statute which provides that I may not be removed from office without the Legislature's consent.

Despite Governor Hickel's actions, the House Judiciary Committee has concluded that my name is properly before the Legislature for confirmation. I respectfully request your favorable vote.

Governor Hickel Has Attempted to Nullify the Legislature's Confirmation and Removal Powers. I was timely reappointed by Governor Cowper to a term that began on November 1, 1990. A copy of the letter of appointment (attached) was sent to the Chief Clerk of the House of Representatives and to the Senate Secretary, to permit the Legislature to carry out its confirmation powers under Article III, Section 26 of the Alaska State Constitution.

The Legislature has clearly provided that an APUC Commissioner may be removed only "by and with the consent of a majority of the legislature" (AS 42.05.035). Despite that statute, In January of this year Don Tanner in Governor Hickel's office

informed me by letter (attached) that my appointment had been "withdrawn," and that I was to vacate my office. As Mr. Tanner's letter also states, Governor Hickel is attempting to appoint Don Schroer, who is not an engineer, to serve out the remainder of my six-year term.

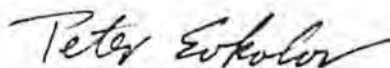
Legislative counsel has advised, in a written legal memorandum dated December 26, 1990, that once an appointment to the APUC is complete, the appointee may be removed only if the Legislature fails to confirm the appointment, or if the Legislature consents to removal under AS 42.05.035. Neither has occurred in my case. The effect of Governor Hickel's "withdrawal" of my appointment, if the Legislature allows it to stand without challenge, is to nullify the Legislature's constitutional and statutory powers.

Governor Hickel's Action May Affect the Decision-Making Process of the APUC. I believe strongly in an APUC that is impartial and sheltered to some extent from the short-term upheavals of partisan politics, while maintaining the power of the elected government officials to set the policies over the longer term. Governor Hickel's removal of a duly appointed APUC Commissioner without cause and without legislative consent constitutes a precedent that places the Commission's decision making process under increased political pressure. Since all APUC Commissioners' terms expire on October 31 or November 1, it seems that there was a clear intent to isolate commissioners from the outcome of gubernatorial elections and allowing the incumbent Governor to decide on APUC reappointments.

I Am Well-Qualified to Serve on the APUC. The Legislature by statute has required that one APUC seat must be filled by an engineer (AS 42.05.040). I have highly relevant work experience in both the private sector and the APUC, as summarized in my resume. I have been with the APUC as an engineer for more than fourteen years and thus am well acquainted with Alaskan utilities and the problems they face, especially in rural areas.

I wish to continue serving on the APUC and complete the work that I have already begun on the important issues before the Commission. I would deeply appreciate your support, and your vote in favor of my confirmation.

Sincerely,



Peter Sokolov

RESUME OF:

Peter Sokolov
11100 Magnolia Street
Anchorage, Alaska 99516
Phone: (907) 346-2480

PROFESSIONAL EXPERIENCE:

Alaska Public Utilities Commission (APUC), Chairman, December 1989 - February, 1991. Responsible for coordinating the work of the five Commissioners in establishing agency policies and priorities, and in effectively adjudicating matters that are before the Commission.

APUC, Commissioner (Engineering seat), July 1987 - February 1991. Participated in hearings and provided engineering expertise to my colleagues in the adjudication of cases.

APUC, Chief Engineer, 1979 - July 1987. The primary responsibility was to assure that the section developed well founded positions on engineering issues and presented effective testimony before the Commission. I also carried my own case load of the more substantive cases, thus gaining an in-depth knowledge of Alaskan utilities and the unique problems they encounter in rural areas.

APUC, Utilities Engineer III, 1976 - 1979. In 1979, I served as a member of the Federal Communications Commission Joint Board Staff and advocated Alaska's position on national telecommunications issues.

New York Telephone, District Engineering Manager, Data TV and Radio. 1975 - 1976. Supervised 60 engineers who were responsible for the design of all voice, wideband data and network television terminal equipment installations in Manhattan.

New York Telephone, District Engineering Manager, Central Office, 1974 - 1975. Supervised 140 engineers and support personnel. Responsible for all central office engineering for downtown Manhattan (i.e. the financial district).

Bell System Center for Technical Education, Lisle, Illinois, Instructor, 1971 - 1974. On special assignment to teach the Central Office equipment and the Statistics/Operations segments of the "Elements of Communications Technology" (ECT) program. This program was part of the Bell System's Management Development Program where promising employees throughout the United States and Canada were given an introduction to the technical aspects of telephone company management.

New York Telephone, Supervising Engineer, Engineer, Assistant Engineer, 1965 - 1971. Progressed through various sections of the company's engineering department.

United States Information Agency, Technical Exhibit Guide 1964 - January 1965. Toured the Soviet Union with the United States Information Agency's "Communications USA" Exhibit. Because of my engineering background and fluency in Russian, I was assigned to the Technical Director's office to assist in answering questions that required in-depth technical responses.

EDUCATION:

Northwestern University, Evanston, Illinois.

Bachelor of Science in Electrical Engineering - 1960.

Master of Science (Electrical Engineering) - 1963.

University of Connecticut, Stamford, Connecticut.

Master of Business Administration - 1975.

Bell System. Completed ECT program and courses in Microwave Circuit Design, Data Circuit Testing, Central Office Maintenance Administration, #5 Crossbar Design, #1 ESS, and Engineering Economics.

OTHER:

Registered Professional Engineer - Alaska & New York.

Born: June 29, 1936, in Leghorn, Italy.

U.S Citizen

Married

January 31, 1991

SENT VIA TELECOPIER

Don Tanner, Director
Boards and Commissions
Office of the Governor
State of Alaska
P.O. Box A
Juneau, Alaska 99811-0101

Dear Mr. Tanner:

This is in response to your January 29, 1991 letter, in which you informed me that Governor Hickel is attempting to withdraw my reappointment to the Alaska Public Utilities Commission, and to replace me on the Commission effective January 23, 1991.

I was lawfully appointed to the Commission, and may not be summarily removed. Furthermore, the Alaska State Legislature has the right and the responsibility to decide whether or not to confirm my appointment. I believe that my appointment has already been submitted to the Legislature for confirmation, and I request that no action be taken to prevent the Legislature from carrying out its responsibilities. If my name has not been submitted, then I request that it be submitted, as the law requires.

While I believe that the action taken by the Governor's Office is illegal, I also do not believe that it is in the public interest to become involved in a personal confrontation with the Governor's Office. I will therefore physically vacate the premises where my office is located, as you request. I also will comply with any reasonable request for my continued assistance in seeing that the duties and responsibilities of the Commission are carried out. At the same time, I reserve all of my rights under law, including the right to be reinstated to my position on the Commission. I will immediately resume the performance of my duties on the Commission upon notification of my reinstatement.

Sincerely yours,

Peter Sokolov

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR

JUNEAU
January 29, 1991

Mr. Peter Sokolov
Alaska Public Utilities Commission
1016 West 6th Avenue
Anchorage, AK 99501

Dear Mr. Sokolov:

On behalf of the people of Alaska, I would like to thank you for your dedicated service to Alaska as a member of the Alaska Public Utilities Commission.

It is with regret that I must confirm Governor Hickel's decision to withdraw your reappointment to the Alaska Public Utilities Commission. Your name will not be forwarded to the legislature for confirmation of your appointment by former Governor Cowper. Effective January 23, 1991, Governor Hickel appointed Don Schroer to serve out your remaining term. Your replacement's name will be forwarded to the legislature for confirmation during this session.

Please take all reasonable and prudent actions to vacate this office quickly so that Governor Hickel's new appointee can assume his duties. I trust that you will assist him with the difficult transition that he faces in assuming the substantial duties as chairman of the Alaska Public Utilities Commission.

Your continued involvement with state issues and your commitment to public service is deeply appreciated.

Best regards,

A handwritten signature in cursive script that reads "Don Tanner".

Don Tanner
Director
Boards and Commissions

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

November 8, 1990

Mr. Peter Sokolov
11100 Magnolia Street
Anchorage, AK 99516

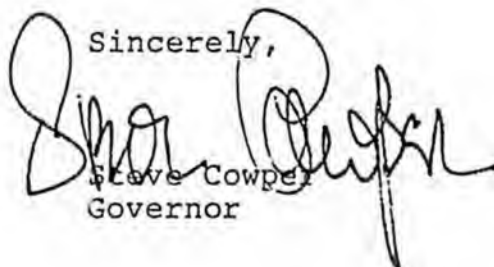
Dear Peter,

I want to express my sincere appreciation for the many hours which you have given to the State of Alaska as a member of Alaska Public Utilities Commission. I am pleased to re-appoint you to another term ending October 31, 1996. Again, you will possess the authority to exercise the powers and perform the duties of your office pending confirmation by the Legislature. With this reappointment, you will continue in the position of Chair of APUC until your Chair term expires on December 1, 1993.

Enclosed is an updated identification card to facilitate your travel as a board member. Please use these card privileges only during official state business. If you should resign your appointment before your term expires, please return the card to my Boards and Commissions Office.

We Alaskans appreciate your continuing and important contribution to our citizens and state. Thanks for doing your part.

Sincerely,


Steve Cowper
Governor

Enclosure

November 8, 1990

Mr. Peter Sokolov
11100 Magnolia Street
Anchorage, AK 99516

Dear Peter,

I want to express my sincere appreciation for the many hours which you have given to the State of Alaska as a member of Alaska Public Utilities Commission. I am pleased to re-appoint you to another term ending October 31, 1996. Again, you will possess the authority to exercise the powers and perform the duties of your office pending confirmation by the Legislature. With this reappointment, you will continue in the position of Chair of APUC until your Chair term expires on December 1, 1993.

Enclosed is an updated identification card to facilitate your travel as a board member. Please use these card privileges only during official state business. If you should resign your appointment before your term expires, please return the card to my Boards and Commissions Office.

We Alaskans appreciate your continuing and important contribution to our citizens and state. Thanks for doing your part.

Sincerely,

S/S Steve Cowper

Steve Cowper
Governor

Enclosure

bcc: Lt. Governor's Office
Regional Offices
Contact: Ted Moninski
Juneau Information Office
Chief Clerk of the House
Anchorage Information Office

APOC
Barbara Whiting
Senate Secretary
Rep. Ron Larson
EEO

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska relating to
7 legislative confirmation of the board
8 members of public corporations of the
9 state.

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

1 * Section 1. Article III, sec. 26, Constitution of the State of Alaska,
2 is amended to read:

3 SECTION 26. BOARDS AND COMMISSIONS. When a board or commission
4 is at the head of a principal department, [OR] a regulatory or quasi-
5 judicial agency, or a public corporation established by law, its
6 members shall be appointed by the governor, subject to confirmation by
7 a majority of the members of the legislature in joint session, and may
8 be removed as provided by law. They shall be citizens of the United
9 States. The board or commission may appoint a principal executive
0 officer when authorized by law, but the appointment shall be subject
1 to the approval of the governor.

2 * Sec. 2. The amendment proposed by this resolution shall be placed
3 before the voters of the state at the next general election in conformity
4 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
5 tion laws of the state.
6
7
8
9

ETRO

FRIDAY
TION **E** Jan. 25, 1991

S TROUBLE



JIM LAVRAKAS / Anchorage Daily News
Officer Allan Tesche.

vage effort

Because the security company is required to turn over everything it collects, this pile of trash ends up at my hall, in the cash management office, supervised by Hambrook until '89.
"There was a lot of American money that had been cut in half," she said, "put on a railroad track, washed up. They had been shot, had holes in them, been filed down. ... Some of it was in a fire."
Hambrook says she was told to consider this stuff "slugs" and throw

Hickel names Fink partner to utility seat Schroer says he's no lackey

By STEVE RINEHART
Daily News reporter

Gov. Walter Hickel has appointed Mayor Tom Fink's campaign treasurer, business partner and duck-shack buddy to the Alaska Public Utilities Commission.
The appointment of Don Schroer was made on Wednesday, the governor's office confirmed, though it was not announced. Schroer said Thursday he had gotten a call the day before from Don Tanner, who is Hickel's boards and commissions director.

"What he said was 'Congratulations,'" Schroer said.
Schroer, 64, was named to one of the two consumer seats on the five-member commission. The commission has authority over electric, gas, telephone, water and other utility rates in Anchorage and the rest of the state.
But it also has far-reaching authority over other utility questions, including some that have a direct bearing on the municipality and that are at the core of Fink's political agenda.

For example, the commis-

sion would have to approve the sale of the city-owned Anchorage Telephone Utility. Selling ATU is a Fink priority.

The APUC also would have to approve of self-regulation, sought by Fink and the assembly. Self-regulation would allow the city to set phone and electric rates at ATU and Municipal Light & Power and decide how much utility income to skim off as dividends to pay for other city government services.

The APUC has strictly limited, and in some cases refused to allow, such dividends. And last year it rejected the city's self-regulation plan. The city took the case to court but lost early this month. Meanwhile, it has submitted a new self-regulation proposal to the APUC.

Schroer said he has a personal opinion about those issues but would not say what it is.

With his 22-year partnership with Fink in the life insurance business, their

Please see Page E-3, SCHROER

Flowers readies third try at Delo

What other people tell me at handling complaints, consumer investigating. And I found a pattern of illegal of a time doing anything going to accuse anyone of a do.

Police opens consumer complaints it just sends people a letter they might find help. Then, an assistant attorney general the chief of Consumer Protection act of opening the letters to notice a situation the there no one keeps statistics by a fairly dramatic case on said.

For the citizens of Alaska, only course, is that even now, advantage of the absence of

901, Anchorage, 99514-9001.

She undertook her first big, Alaska dogsled adventure over the winter of 1981 and 1982 when she completed the Iditarod Trail Sled Dog Race. More demanding dogsled travels followed: A

has cleared the financial hurdles. A \$54,000 budget and a change in logistics have provided for a resupply flight every two weeks, she said.

The logistical change in-

Last summer she worked on a trawler in the North Pacific. Tough work under bad conditions, she said, but the pay was good. She left the trawler to begin training her three dogs in October.

beauty of the wilderness overwhelm them.

"It's a blank, beautiful nothing," Flowers said. "It never makes me feel insignificant. It almost gives you a sense of power."

SCHROER: Hickel names Fink partner to utility commission

Continued from Page E-1

friendship and political alliance, Schroer said he knows critics will assume he is Fink's man on the APUC. That's not so, he said.

"I'm not going on there as Tom Fink's lackey. I'm not following Tom Fink's line on this," he said.

Schroer said he applied for the job about a month

ago. He said that after six years on the state Real Estate Commission and his current term on the city's Water and Wastewater Advisory Commission, he at least knows the meeting process.

No specific credentials are required for the two consumer seats on the APUC. Under law, the other three must be filled by people with specific training in engineering, business and law.

"Somebody asked me, 'What do you know about it?' I told them I know how to ask why," he said.

Assemblyman John Wood said he thought Schroer would improve the APUC.

"He's a common-sense, straight-forward type of per-

son," he said. "He is not going to be a puppet of Tom Fink. You see the two of them together and you'll see neither one controls the other."

In appointing Schroer, Hickel replaced Peter Sokolov, the commission's chairman. Sokolov is at the end of his six-year term. He had been reappointed by outgoing Gov. Steve Cowper in October, but had not yet been reconfirmed by the legislature.

He was said to be on vacation Thursday and could not be reached for comment.

Other public utility commissioners were still gauging the change on Thursday. To make room for Schroer,

Hickel shifted Commissioner Mark Foster from a consumer chair to fill Sokolov's engineering seat. Foster is a civil engineer.

Susan Knowles, the APUC's senior member and wife of the former Anchorage mayor, said that in her 15 years on the commission she had never seen seats shuffled by executive order.

"I don't think it's ever been considered," she said.

Both said the commissioners holding the consumer seats owe particular attention to consumer issues.

"We need to remember there are real people in real communities out there, paying real bills," Knowles said.

Groups step up pressure on Hickel

Groups like him.

Edgar Blatchford, a Native corporation leader who is heading Hickel's Department of Community and Regional Affairs, said Natives are overreacting to the choice, and said Somerville's past stands are not necessarily the views of the gover-

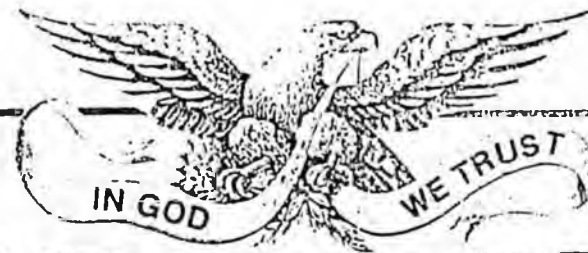
nor.

Hickel wants the boards to reconsider, although board members said this week that support still seems slim. Hickel has said if the boards don't approve Somerville now, he may try to make him commissioner anyway.

The Family of
Barbara A. Singleton Pettis

would like to thank all our friends for their support, prayers, cards, food and flowers which were of great help during our time of loss.

Lawrence Pettis,
Julius & Winston Singleton



BREWSTERS

Pendleton

Sale

WARRANTED TO BE A
PENDLETON

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

Feb. 20, 1991	House Judiciary Standing Committee	1:30 pm
April 2, 1991	House Labor + Commerce Standing Comm.	12:00 pm
April 2, 1991	" " " "	1:00 pm
not dated	#JUD91-13, side A #67 partial minutes House Judiciary - adjourned	3:20 pm

#3

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 10, 1992

The Honorable Richard I. Eliason
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Eliason:

In accordance with AS 39.05.080 and Article III, Sections 25 and 26, of the Alaska Constitution, I submit the following names for legislative confirmation of appointment to the positions noted:

Alaska State Board of Public Accountancy

Elaine Damm - Kodiak
Term began 11/14/91 expires 4/25/92
Bruce J. Ogle, CPA - Anchorage
Term began 8/14/91 expires 4/25/92
Jean B. Schmitt, CPA - Fairbanks
Term began 11/4/91 expires 4/25/93
Bradley L. Shaffer, CPA - Sitka
Term began 8/14/91 expires 4/25/93
Joanne Stoots - Fairbanks
Term began 1/27/92 expires 4/25/95
John C. Swalling, CPA - Anchorage
Term began 7/17/91 expires 4/25/95

L + C

Alcoholic Beverage Control Board

William M. Bishop - Kodiak
Term began 1/14/92 expires 1/31/93
W.E. "Brad" Bradley - Anchorage
Term began 1/31/92 expires 1/31/95
James B. Elkins - Ketchikan
Term began 6/12/91 expires 1/31/94
James J. McNamee - Fairbanks
Term began 6/12/91 expires 1/31/94

FIN

The Honorable Richard I. Eliason

February 10, 1992

Page 2

State Board of Registration for Architects, Engineers, and Land Surveyors

Phil R. Holdsworth, P.E. - Juneau

Original term began 9/2/88 reappointed 7/22/91

expires 7/1/95

B. David Spell - Fairbanks

Term began 9/20/91 expires 7/1/95

Mike Taurainen, P.E. - Soldotna

Term began 7/1/91 expires 7/1/93

L+C

Athletic Commission

Earl W. Davis - Anchorage

Term began 6/6/91 expires 5/14/96

John N. Hansen - Juneau

Term began 8/15/91 expires 5/14/92

Ward M. Merdes - Fairbanks

Term began 7/22/91 expires 5/14/92

L+C

Board of Governors of the Alaska Bar

Patricia B. Browner - Anchorage

Term began 7/26/91 expires 6/30/94

Ethel Staton - Sitka

Term began 7/25/91 expires 6/30/93

JUD

Board of Barbers and Hairdressers

Elmo O. Kienbaum - Ketchikan

Term began 9/30/91 expires 7/1/93

Jerry R. Mayfield - Anchorage

Term began 6/15/91 expires 7/1/92

Mariann Stoffel - Wasilla

Term began 10/9/91 expires 7/1/93

Barbara Watkins - Anchorage

Term began 8/14/91 expires 7/1/95

L+C

Big Game Commercial Services Board

Peter R. Buist - Fairbanks

Term began 8/1/91 expires 6/30/95

Susan Entsminger - Tok

Term began 8/1/91 expires 6/30/93

Thomas N. Scarborough - Fairbanks

Term began 8/1/91 expires 6/30/93

Eric C. Stirrup - Kodiak

Term began 9/24/91 expires 6/30/95

RES

The Honorable Richard I. Eliason
February 10, 1992
Page 3

Board of Chiropractic Examiners

Lou Ann Hedden, D.C. - Soldotna
Term began 11/29/91 expires 7/15/94
William F. Risch, D.C. - Anchorage
Term began 10/1/91 expires 7/15/93

L+C

Alaska Commercial Fisheries Entry Commission

Frank M. Homan - Juneau
Term began 8/5/91 expires 7/1/95

RES

Board of Dental Examiners

T. Greg Remaklus, DMD - Anchorage
Term began 6/7/91 expires 2/1/95
Royann Royer, RDH - Anchorage
Term began 1/21/92 expires 2/1/95
Louis J. Thornley, DDS - Fairbanks
Term began 6/7/91 expires 2/1/95

L+C

Board of Dispensing Opticians

Alicia L. Musser - Anchorage
Term began 6/7/91 expires 6/14/93

L+C

Board of Education

John E. Hotzfield - Wasilla
Term began 5/31/91 expires 1/31/94
Patricia Norheim - Petersburg
Original term began 1/7/91 reappointed 1/31/92
expires 1/31/97

HES

Board of Electrical Examiners

Aaron H. Downing, P.E. - Palmer
Term began 10/30/91 expires 7/1/94
Ralph W. Perdue - Fairbanks
Term began 1/21/92 expires 7/1/95

L+C

Board of Fisheries

Trefon Angasan, Jr. - Anchorage
Term began 1/31/92 expires 1/31/95
Larry Edfelt - Auke Bay
Term began 7/23/91 expires 1/31/93
Thomas M. Elias - Anchorage
Term began 7/23/91 expires 1/31/94

RES

The Honorable Richard I. Eliason
February 10, 1992
Page 4

State Commission for Human Rights

Edna DeVries - Palmer
Term began 2/1/92 expires 1/31/97

SA

Commission on Judicial Conduct

Patrick T. Brown - Fairbanks
Original term began 4/10/87 reappointed 7/17/91
expires 4/28/95
Susan A. Burke - Juneau
Term began 7/17/91 expires 4/28/95
Sharon Nahorney - Anchorage
Original term began 7/16/91 reappointed 1/1/92
expires 12/31/95
Kenneth E. Peavyhouse - Anchorage
Term began 11/14/91 expires 12/31/94

JUD

Judicial Council

Jim A. Arneson - Anchorage
Term began 10/4/91 expires 5/18/95

JUD

Alaska Labor Relations Agency

James W. Elliott - Anchorage
Term began 1/22/92 expires 6/30/94

L+C

Board of Marine Pilots

Dale O. Collins - Ketchikan
Term began 6/12/91 expires 6/1/95
Keith Greba - Sitka
Term began 6/12/91 expires 6/1/95
Robert M. Watt - Ketchikan
Term began 7/22/91 expires 6/1/94

L+C

Board of Mechanical Examiners

Jack B. Wilbur, Sr. - Fairbanks
Term began 7/17/91 expires 6/9/94

L+C

State Medical Board

Noel W. DeVries - Palmer
Term began 12/9/91 expires 8/13/92

L+C

The Honorable Richard I. Eliason
February 10, 1992
Page 5

Board of Nursing

Susan S. Gass, RN - Ketchikan
Term began 1/14/92 expires 3/31/95

L+C

Board of Nursing Home Administrators

Kathy S. Lockhart - Ketchikan
Term began 7/22/91 expires 10/1/92
Gary L. Sheridan - Palmer
Term began 7/23/91 expires 10/1/94

L+C

Occupational Safety and Health Review Board

Wayne A. Gregory - Fairbanks
Term began 11/27/91 expires 8/1/95

L+C

Alaska Public Offices Commission

Marjorie A. O'Reilly - Kenai
Term began 2/2/92 expires 2/1/97
Sandra Stillion - Fairbanks
Term began 6/6/91 expires 2/1/96

SA

Board of Certified Real Estate Appraisers

Joseph P. Donahue - Kenai
Term began 11/27/91 expires 6/30/95
Ken E. Kincaid - Anchorage
Term began 6/13/91 expires 6/30/92
Thomas P. King - Juneau
Term began 1/31/92 expires 6/30/94
William K. Simon - Fairbanks
Term began 6/13/91 expires 6/30/93

L+C

Real Estate Commission

Terence L. Duszynski - Fairbanks
Term began 8/7/91 expires 1/31/95
Alice R. Hartig - Anchorage
Term began 6/12/91 expires 1/31/95
Ronald J. Johnson - Kenai
Original term began 6/15/87 reappointed 11/14/91
expires 1/31/95
Terral F. Wanzer - Ketchikan
Term began 12/6/91 expires 1/31/93

L+C

The Honorable Richard I. Eliason
February 10, 1992
Page 6

Violent Crimes Compensation Board

Robert E. Congdon - Anchorage
Term began 7/23/91 expires 12/15/93

SA

Alaska Workers' Compensation Board

John Giuchici - Fairbanks
Term began 10/10/91 expires 7/1/93
Steve Hagedorn - Anchorage
Term began 8/19/91 expires 7/1/93
Don Koenigs - Fairbanks
Term began 8/20/91 expires 7/1/94
Michael McKenna - Anchorage
Term began 11/15/91 expires 7/1/94
Robert W. Nestel - Eagle River
Term began 8/14/91 expires 7/1/93
Darrel F. Smith - Anchorage
Original term began 8/19/88 reappointed 8/20/91
expires 7/1/94
Marc D. Stemp - Copper Center
Term began 8/14/91 expires 7/1/94
Jeffery A. Wertz - Anchorage
Term began 8/20/91 expires 7/1/94

L & C

In accordance with AS 39.05.080 and Article III, Section 19, I submit the following name for legislative confirmation of appointment to the position noted.

Alaska Air National Guard

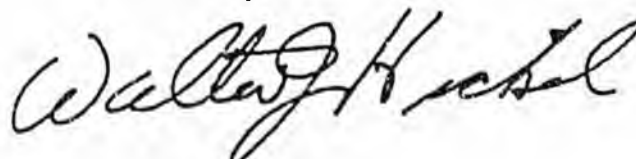
Commander Alaska Air National Guard, Brigadier General Kenneth M. Taylor, Jr. - Anchorage.

SA

for these appointments are attached.

With best regards.

Sincerely,



Walter J. Hickel
Governor



OFFICIAL BUSINESS

Alaska State Legislature Senate

Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1102
(907) 465-3701
FAX: 465-2832

April 3, 1992

M E M O R A N D U M

TO: Senator Pearce, Chair
Labor and Commerce Committee

FROM: Nancy Quinto
Secretary of the Senate

RE: Resignation of Governor's Appointee

Mr. Ward Merdes has notified the Governor that he has resigned from the Athletic Commission, effective March 18, 1992. Please delete his name from your list.

Athletic Commission

Ward M. Merdes - Fairbanks
Term began 7/22/91

Thank you.

NQ/hc

Sen. Kertulis

Alaska State Legislature

3111 C Street, Suite 150
Anchorage, Alaska 99503
(907) 561-2038
FAX: (907) 561-4194

During Session:
P.O. Box V
Juneau, Alaska 99811
(907) 465-4993
FAX: (907) 463-5352

Senator Drue Pearce
District G

MAR 05 1992

MEMORANDUM

To: All Senate Labor and Commerce Committee Members
From: Drue Pearce, Chair *Pearce*
Date: March 5, 1992
Re: Governor's Appointments

Attached are two more of the Governor's nominations to various boards and commissions. Also attached are the resumes attendant to the nominations.

Please review the nominations. If you have questions, comments, or would like the full Labor and Commerce Committee to hold a confirmation hearing on any nominee, please advise me by March 13.

Drue MAR 10 is good!

Alaska State Legislature

Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
Senator Shirley Craft
Senator Rick Halford
Senator Jay Kerttula



WHILE W. JUNEAU
ALASKA STATE SENATE
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 455-3344

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 557-2038


Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

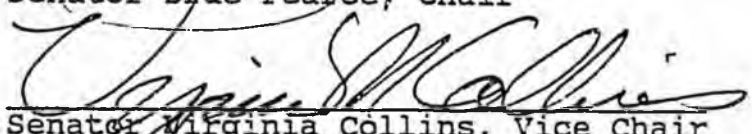
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Ronald L. Martinelli, DDS recently nominated to the Board of Medical Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

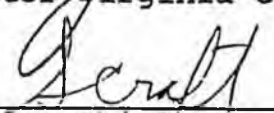
Respectfully,



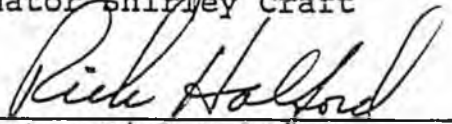
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
Senator Shirley Craft
Senator Rick Halford
Senator Jay Kerttula



WHILE IN JUNEAU
ALASKA STATE SENATE
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

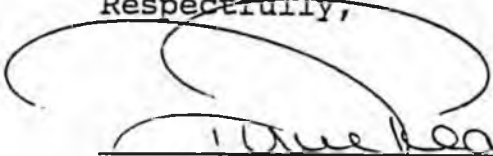
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

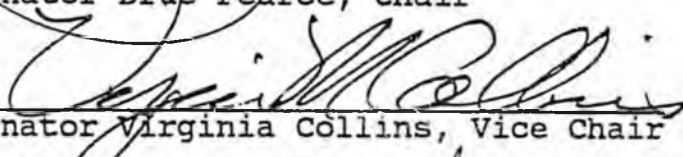
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Randall W. Christiansen recently nominated to the Board of Examiners in Optometry. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

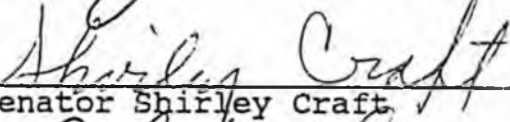
Respectfully,



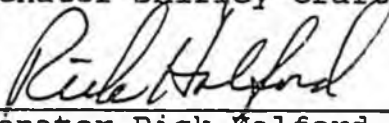
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula



Official Business

Alaska State Legislature

SENATE

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3701

March 18, 1992

M E M O R A N D U M

TO: Senator Pearce, Chair
Labor and Commerce Committee

FROM: Nancy Quinto *NQ*
Secretary of the Senate

RE: Confirmation of Governor's Appointees

Pursuant to AS 39.05.080, President Eliason has referred the positions noted to your committee for a hearing, recommendation and report:

Board of Medical Examiners

Ronald L. Martinelli, DDS - Soldotna
Term began 3/12/92 expires 2/1/95

Board of Examiners in Optometry

Randall W. Christiansen, OD - Fairbanks
Term began 3/12/92 expires 6/15/94

Resumes for the above appointments are enclosed.

NQ/hc

Enclosures

SOLDOTNA DENTAL CLINIC

155 SAITHI WAY

SOLDOTNA, ALASKA 99669

(907) 262-4080

PERSONAL RESUME

Ronald L. Martinelli DDS SSN 552-74-7730

Box 2035 Soldotna, Alaska 99669

Phone: (907) 262-5325 home; 262-6595 office

D.O.B. 02-16-48 Birthplace: Oakland, California

Spouse: Karen Ann D.O.B. 04-17-59

Children: Jennifer Ann D.O.B. 11-10-79

Education:

Miramonte High School, Orinda, California June, 1965

University of California, Berkeley Sept. 1965- June 1969

University of California, San Francisco, School of Dentistry Sept. 1969- June 1973

DDS Degree June, 1973

Military Service:

United States Navy, Dental Corps June 1973- July, 1977

Rank: LCDR Honorable Discharge

Professional:

Montana State Dental Board Exam, June, 1973

Alaska State Dental Board Exam, June, 1976

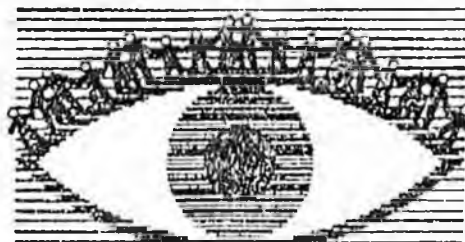
Private Practice, Soldotna Dental Clinic, February, 1978- present, General Dentistry
Member, American Dental Association, Alaska Dental Society, Kenai-Kodiak Chapter

Alaska Residency: Since August 2, 1977

Health: Excellent

BRUCE J. WOLF, M.D.
Diplomate, American Board of Ophthalmology

ROBERT P. HAMMOND, O.D.
Diplomate, National Board of Optometry



EYE CLINIC of FAIRBANKS

SAMUEL A. McCONKEY, M.D.
Diplomate, American Board of Ophthalmology

RANDALL W. CHRISTIANSEN, O.D.
Diplomate, National Board of Optometry

Randall W. Christiansen
725 Darrell Drive
Fairbanks, AK 99709
(907) 479-5060

Born: April 21, 1950
Height: 6'0"
Weight: 220 pounds
Married: 3 children, ages 12,5,3

EDUCATION

1964-1968 Slayton High School, Slayton, Minnesota. Diploma May 1968
1968-1970 Gustavus Adolphus College, St. Peter, Minnesota. Pre-Optometry
1970-1974 Pacific University College of Optometry, Forest Grove, Oregon.
BS Degree May 1972; Doctor of Optometry Degree May 1974
1974 Passed National Boards in Optometry
1975 Passed Minnesota Optometry Board - License # 1615
1984 Passed Alaska Optometry Board - License # 109

EXPERIENCE

1974-1976 Optometrist, U.S. Navy, Long Beach, California
1977-1984 Optometrist, U.S. Army, Leavenworth, Kansas; San Antonio, Texas;
and Fairbanks, Alaska.
1984-Present Optometrist, Eye Clinic of Fairbanks, Fairbanks, Alaska
1987-Present Optometrist, Alaska Air National Guard, Kulis ANGB, Anchorage, Alaska

PROFESSIONAL & CIVIC ORGANIZATIONS

American Optometric Association
Alaska Optometric Association - Treasurer
Armed Forces Optometric Society
Air National Guard Optometric Society
Fairbanks Kiwanis Club - Board of Directors

REFERENCES

Dr. Bruce Wolf, Eye Clinic of Fairbanks, Fairbanks, Alaska (907)456-7760
Dr. Laurance Marshburn, Commander, 176th USAF Clinic, Kulis ANG Base, Anchorage,
Alaska (907)249-1276
Dr. Marvin Bergeson, Tanana Valley Clinic, Fairbanks, Alaska (907)452-1611

INTERESTS Include fishing, hunting, camping and golfing

MEMORANDUM

To: All Senate Labor and Commerce Committee Members
From: Drue Pearce, Chair
Date: February 26, 1992
Re: Governor's Appointments

Attached are two lists of Governor Pickel's nominations to various boards and commissions. Also attached are the resumes attendant to the nominations.

Please review the nominations. If you have questions, comments, or would like the full Labor and Commerce Committee to hold a confirmation hearing on any nominee, please advise me by March 5.



Alaska State Legislature Senate

Office of the Secretary

OFFICIAL BUSINESS

PO BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Date Apr. 29, 1991

The Honorable Dick Eliason
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear President Eliason:

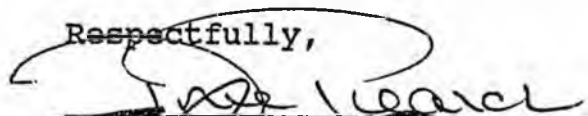
In accordance with AS 39.05.080, the Senate Labor and Commerce Committee reviewed the following with regard to confirmation of the Governor's appointment:

Board of Registration for Architects, Engineers, and Land Surveyors

Davidson, George W. - Juneau
Term began 6/15/90 expires 7/1/94

There were no stated objections to the confirmation of the named individual by committee members. This does not reflect an intent by any of the members to vote for or against the individual during any further sessions.

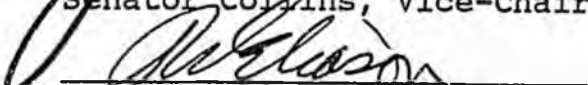
Respectfully,



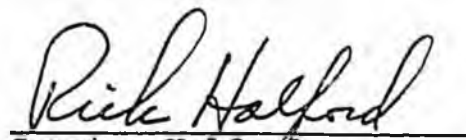
Senator Pearce, Chair



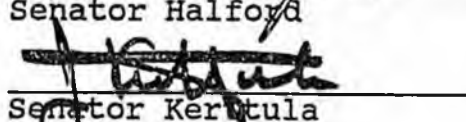
Senator Collins, Vice-Chair



Senator Eliason



Senator Halford



Senator Kerutula

R E S U M E

GEORGE W. DAVIDSON, P.E., L.S.

EDUCATION

B.S.C.E. - Cleveland State University (Fenn College) - Cleveland, Ohio
1961

EXPERIENCE

Director of Alaska Marine Highway System, 2/87 - 11/89

- Supervise 1000 employees - with 7 unions
- Operation and maintenance of 9 ocean vessels
- Design of vessel rehabilitation
- Design, operation & maintenance of 32 separate port facilities
- Manage a \$65,000,000 annual operating budget
- Manage annual revenues of \$37,000,000

Owner/President - EMPS Engineering, 1976 - 1987

- Copper River Highway - Survey and design - Cordova, Alaska
- Knik Arm Crossing Study - Anchorage, Alaska
- Basin Road Trestle Design - Juneau, Alaska
- Coal Barge Offloading Facility - Skagway, Alaska
- Barge transfer port, with floating bridge - Haines Alaska
- Major bridge between Kodiak and Near Island - Kodiak Alaska
- Greens Creek Mines survey control and topo surveys - Juneau Alaska
- Shacwak Highway -25 miles of survey and design of road - Yukon Territory
- Incinerator facilities for solid waste -Juneau and Sitka, Alaska

Consulting Engineer - Davidson Engineering/CH2M Hill, Inc., 1967 - 1976

- City & Borough of Juneau interceptor sewer, pump station, and wastewater treatment plant project
- Fire Lake Fish Hatchery (structural)
- Juneau waterfront planning project
- U.S. Coast Guard Kodiak Base complete water and sewer facilities
- Frazier Fish Hatchery Ladder & Diversion Structure (structural)
- Dock design - Homer, Alaska

Sanitary Engineer -

Alaska Department of Health & Environmental Conservation, 1966 - 1967

- Establishment of Water Pollution Control Regulations for the State of Alaska
- Review of utility plans (water, sewer, & storm) for all areas of Alaska

City Engineer & Public Works Director - City & Borough of Juneau, 1964 - 1966

- Establishment of City of Juneau Public Works Department
- Design, construction, operation & maintenance of all city facilities

Resume

George W. Davidson, P.E., L.S.

Bridge Design Engineer -

Alaska Department of Transportation & Public Facilities, 1963 - 1964

- ° Designer on ASCE outstanding Knik-Matanuska River Crossing Bridges
- ° Design replacement or repair of approx. 100 earthquake damaged bridges

Bridge Design Engineer - Trumbell County, Ohio, 1961 - 1963

- ° Designed standard bridge and culvert sections for entire county road system

Assistant City Engineer - Painesville, Ohio, 1954 -1961

- ° All field control, layout, and inspection for major city interceptor sewer, pump station, tunnels, and wastewater treatment plant project.
- ° Building inspection, utility map, property map and property research

REGISTRATIONS

Alaska - Professional Engineer, 1964

Alaska - Registered Land Surveyor, 1972 (part of P.E. prior to 1972)

Ohio - Professional Engineer, 1963

PROFESSIONAL AFFILIATIONS

City & Borough of Juneau Assembly & Deputy Mayor (Current)

National Society of Professional Engineers

Alaska State Chapter President, Vice President, Secretary (Past)

American Society of Civil Engineers

American Public Works Association

Alaska State Charter Member

Alaska State Officer, President, Vice President (Past)

Alaska State Chamber of Commerce - Board of Directors (Past)

Southeastern Conference of Cities - Board of Directors & President (Past)

City & Borough of Juneau Hospital Board of Directors (Past)

City & Borough of Juneau Planning Commission (Past)

Juneau Chamber of Commerce - Board of Directors (Past)

City & Borough of Juneau Code Review Committee (Buildings, Fire, Plumbing, Mechanical, Electrical, Dangerous Buildings - Past)

Licensed as a private pilot - single engine land and sea



Alaska State Legislature

Senate

OFFICIAL BUSINESS

Office of the Secretary

PO BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Date April 29, 1991

The Honorable Dick Eliason
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

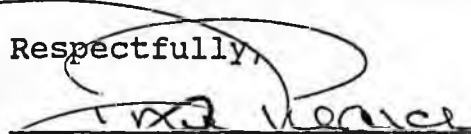
Dear President Eliason:


In accordance with AS 39.05.080, the Senate Labor and Commerce Committee reviewed the following with regard to confirmation of the Governor's appointments:

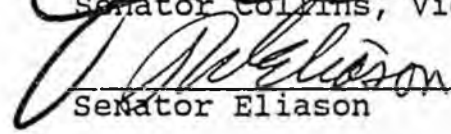
Alaska Labor Relations Agency
Williams, H.O. "Red" - Fairbanks
Term began 7/16/90 expires 6/30/91
Johnson, B. Gil - Anchorage
Term began 2/6/91 expires 6/30/93
Smith, Darrell - Anchorage
Term began 2/6/91 expires 6/30/92


There were no stated objections to the confirmation of any of the named individuals by committee members. This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

Respectfully,


Senator Pearce, Chair


Senator Collins, Vice-Chair


Senator Eliason


Senator Halford


Senator Kerttula

RESUME

H.O. Williams
1048 Norris Lane
Fairbanks, Alaska 99712

Age: 74
Married

(907) 457-4979

Education

A.B., Miami University, Oxford, Ohio.
M. Sc., University of Alaska, Fairbanks

Vita

- Fifty year Alaska resident
- Elementary teacher in Tee Harbor, Nikolai, Fort Yukon, and Cantwell
- Secondary teacher in Fairbanks
- Elementary school administrator in Fairbanks
- Central Office administrator in Fairbanks
- Superintendent of Schools in Valdez and Nenana
- Airline Transport Pilot with Commercial Privileges
 - Pan American World Airways
 - TransOcean Airlines
 - Overseas National Airways
 - U.S. Fish and Wildlife Service
 - Fairbanks Air Service
- Military Service
 - Army Air Corps
 - Naval Air Corps
- School Board Member nine years in Fairbanks

Labor Experience

- Two time president, Fairbanks Education Association
 - Twice spokesperson for contract negotiations
 - Member, Fairbanks School Board negotiations committee
 - Three times spokesperson for contract negotiations
 - Trainee at numerous negotiations workshops and clinics for both labor and management.
-

1-11-91

B. Gil Johnson
1691 Crescent Drive
Anchorage, Alaska 99508
(907) 562-2811/563-6145

BOARDS & COMMISSIONS

JAN 30 1991

BACKGROUND

Born: Spokane, Washington
Grade School: Adams Elementary School
High School: Lewis & Clark High School
College: Gonzaga University
Law School: Gonzaga Law School

D/3/F/10

PERSONAL

Married, four grown children, three grandchildren, all residents of Alaska.

MILITARY SERVICE

1942 - 1944 United States Navy: Service all in Southwest Pacific; honorable discharge with service connected disability.

EMPLOYMENT

1954: After graduation from law school moved from Spokane, Washington, to Fairbanks and worked for Independent Lumber Company, Bill Ellis, Manager; Burgess Construction, Lloyd Burgess, Owner.
1957 - 1958: Returned to Washington and worked as house counsel for Grange Insurance, Mayflower Insurance and Rocky Mountain Fire Insurance.
April 1959: Returned to Alaska as Administrative Assistant to Alaska Commissioner of Labor.
1960 Appointed Commissioner of Labor by William A. Egan, Governor.
1967 - present: Moved to Anchorage to practice law. Have remained in Anchorage practicing law to present. Presently semi-retired.

RECEIVED
JAN 24 1991

Dept. of Administration
Commissioner's Office

EXPERIENCE

While employed by the State of Alaska, mediated scores of labor management disputes such as: between local labor unions and their international unions; between local unions and individual employers, as well as multiemployer groups (A.G.C., etc.); disputes between longshore unions and longshore employers, including the old Alaska Steamship Company; between labor and oil employers in the Swanson River fields; fisherman and canneries all over the State: teamsters and employers such as Sealand; many disputes between the railroad workers and the White Pass and Yukon Railroad. During this period, the White Pass workers were affiliated with three different international unions, finally settling on affiliation with the Teamsters Union. Mediated many jurisdictional disputes between various craft unions. There were so many labor management disputes during the period following statehood that I finally called all the unions and employers together to settle matters down. The meetings were quite succesful to the point that the Alaska State Senate passed a resolution (Senate Resolution No. 36, SLA 1962) commending the participants in the conference for what we were attempting to do.

Since 1967, in the private practice of law, I have continued in the labor field, not only in mediation but in arbitration. I have arbitrated disputes between pharmacists and their employers, as well as architects who had contractual disputes. As a practicing attorney, I have drawn many trust documents covering health and welfare agreements, as well as many covering retirement. I have drawn documents starting unions. I have served as an arbitrator for the Alaska Bar Association. Participated in many unfair labor charges under the National Labor Relations Act and have participated in many such cases in court.

At one time or another, in the labor field, I have represented the following: Airline Pilots Association, Pharmacists Association, Teamsters Union, Pulp Workers Union, Oil Workers Union, Longshore Union, virtually all Craft Unions, trustees of almost all Craft Union Trusts (trustees were made up of labor and management).

PROFESSIONAL AFFILIATIONS

Washington State Bar:	1954
Alaska State Bar:	1966
American Bar Association:	1957
American Arbitration Association:	1975
U.S. Conciliation and Mediation Service:	1990
U.S. Supreme Court:	1972
U.S. District Court Eastern District Washington:	1954
U.S. Court of Appeals Ninth Circuit:	1959
U.S. District Court Alaska:	1967
U.S. Customs Court:	1972



STATE OF ALASKA
OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811

BOARDS AND COMMISSIONS RESUMÉ

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resumé. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:

Alaska Worker's Compensation Board

Please list any other Board or Commission on which you serve:

NONE

Name Darrell F. Smith		Previous Name applied under
Mailing Address 610 West 54th. Street		Residence Address 8147 Lloyd dr.
City, State and Zip Code Anchorage, Alaska. 99518		Anchorage, Alaska. 99502
Home Telephone (907) 248-9548		Business or Message Telephone (907) 562-2810

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election:

Are you a registered voter? YES NO

Voter Registration Number (Optional) 177859

Social Security Number (Optional) 549-48-2798

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? YES NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required authorized meetings? YES NO

If "YES", explain on a separate sheet of paper and attach to this application. None, except for work scheduling.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating? Same as above.

CONFLICTS OF INTEREST. Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so? YES NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied? YES NO If "YES", explain.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion or Parenthood.

TRAINING & EXPERIENCE. (If résumé attached, not necessary to complete items A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

State of Alaska Journeyman Plumbers Lic. # 000006

Municipality of Anchorage Journeyman Plumber Lic. #JP-0427

International Foundation of Employee Benefits Plan # 066998 (labor trustee)

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

1956 Graduate Anchorage High School

1962 Graduate Plumber Apprentice Training Program

C. List any community service positions, municipal government positions, state positions held, and list any awards received. These include both compensated and uncompensated positions (for example, president of a service organization or a mayor). Also include length of time served in the positions.

Executive Board Member Resource Development Council. 1987.

Department of Labor Seminar's. Federal 1985. State of Alaska 1986.

D. Employment work history: paid, unpaid or voluntary: (Use additional paper if necessary)

31 year member of Plumbers & Pipefitters Union Local 367. Of which, 19 year's as an officer, including 9 years as a Business Representative and 4 year's as the elected Business Manager.

Lobbied in Juneau and Washington D.C. on issues concerning labor including the recent changes to the Workmans Compensation Law this past session.

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX Male Female
 ETHNIC BACKGROUND White Black Hispanic Alaska Native Asian or Pacific Islander American Indian (partial)

Date of Birth July 25, 1937 Military Service (if applicable, give dates) California Nat. Guard 1953/55. Alaska Army Reserve 1956/62

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature in Ink

Date

August 2, 1988



Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

PO BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Date April 29, 1991

The Honorable Dick Eliason
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee reviewed the following with regard to confirmation of the Governor's appointments:

Board of Certified Real Estate Appraisers

Ferrara, Alfred J. - Anchorage

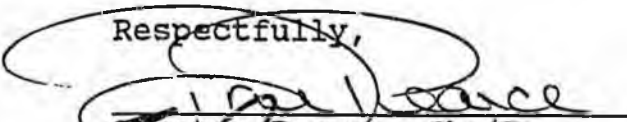
Term began 11/2/90 expires 6/30/94

Sutton, Sue G. - Juneau

Term began 11/26/90 expires 6/30/91

There were no stated objections to the confirmation of any of the named individuals by committee members. This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

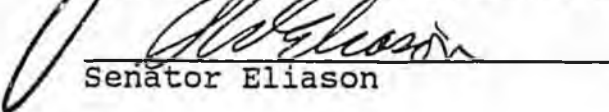
Respectfully,



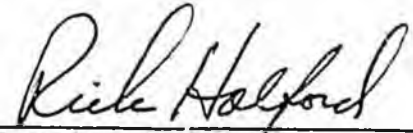
Senator Pearce, Chair



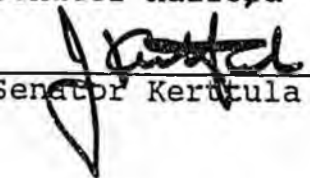
Senator Collins, Vice-Chair



Senator Eliason



Senator Halford



Senator Kerttula

QUALIFICATIONS
ALFRED J. FERRARA, SRPA, MAI

EDUCATION

A.B.A. Degree, Business Major, University of Alaska,

Completed Courses I, II, IV, VII and 2-2. conducted by the American Institute of Real Estate Appraisers, and Courses 101, 102, 201 and 301 by the Society of Real Estate Appraisers

Completed numerous short courses on condominium appraising, income properties, multiple regression analysis, statistics, leasehold valuation, report writing, market extractions, professional standards and others

EMPLOYMENT HISTORY

Employed in the Land Office of the Bureau of Land Management, U.S. Department of Interior, prior to Statehood.

From 1959 to 1966 employed by the Alaska Department of Natural Resources, involved in the selection, management and disposal of lands throughout Alaska. Three years of that time was as a Realty Officer in Juneau, Alaska in charge of management, appraisal and disposal of State land throughout Southeastern Alaska.

From 1966 to 1969 as Appraiser and Consultant in Real Estate with Simmons and Wakeland in Anchorage, Alaska

Since 1970 an Appraiser and Consultant in Real Estate with Alaska Valuation Service, Inc., being president of the company since 1981.

PROFESSIONAL AFFILIATIONS

Adjunct Professor with the University of Alaska and Anchorage Community College for Appraisal Teaching, 1974 thru the present. Qualified instructor nationally for the Society of Real Estate Appraisers Course 101 and 102. These courses are taught at the UAA/ACC Anchorage.

During the past 10 years officer or director positions have been held in the Alaska Chapter of the Society of Real Estate Appraisers 8 times including chapter presidency in 1975 & 1981. President of the American Institute of Real Estate Appraisers Alaska Chapter 57 for 1980 and member of the Board of Directors for several years.

1983-1988 Govenor and Member of Board of Directors of Society of Real Estate Appraisers, with responsibility of Washington, Idaho, Alaska, Alberta and British Columbia.

1989-1990 National Vice President for the Society of Real Estate Appraisers and member of that organization's executive committee.

Chairman and Member of the Board of the SREA Education Foundation, 1986-1987.

ALASKA VALUATION SERVICE, INC.

Member and holder of MAI designation #5342 with the American Institute of Real Estate Appraisers (currently recertified).

Member and holder of SRPA designation with the Society of Real Estate Appraisers (currently recertified).

Member and holder of the SRA designation with the Society of Real Estate Appraisers (currently recertified).

Associate member, American Right-Of-Way Association

Associate member, Anchorage Board of Realtors

BUSINESS AFFILIATIONS

Member of the Board of Directors of the State Homebuilders Association

Member of Steering Committee for Energy Rated Homes of Alaska, Inc.

Member of Anchorage East Rotary Club since 1972

Frequent guest speaker and moderator at seminars and meetings related to appraising and real estate

TYPICAL ASSIGNMENTS

Feasibility studies and appraisal for numerous condominium projects in Anchorage, Fairbanks and Juneau areas

Service Station sites for Standard Oil Company, Texaco, Inc., Union Oil Company and Tesoro Petroleum in Central Alaska

School site and other appraisals for State and commercial clients

Condemnation and property sale appraisals for the Alaska Department of Transportation, Municipality of Anchorage, U.S. Fish and Wildlife Service and other agencies

Tide and submerged land appraisals and use studies for private and public clients

Lodge, hotel, motel and restaurant appraisals for business loan purposes for various clients and the Small Business Administration

Land acquisition appraisals for U.S. Coast Guard and Postal Service

Going concern business valuations for a variety of clients

Industrial leaseholds for private and governmental clients

Fish processing plant appraisals for both public and private clients

Easements for the Municipality of Anchorage, State of Alaska and other Federal and Municipal clients

Multi-family, residential and commercial appraisals for all Alaska banks and mortgage companies and several outside banks including Seattle First National Bank, Bank of America, Wells Fargo, First National Bank of Oregon, Mellon Bank and Crocker National

Land and improved property appraisals throughout the State of Alaska for various clients including village corporations and towns, regional Native Corporations, other private clients and state and federal agencies.

Other clients include: ALASCOM, IBM Corporation, U.S. Steel, Homequity Corporation, TICOR Relocation Management Company, American Machine and Foundary, General Foods Corporation, Uniroyal, CSX Corporation, Weyerhouser Mortgage and various others

Qualified expert witness in Masters Hearings, Superior Court, District Court, Bankruptcy Court, Grand Jury and have served as both master and arbitrator in realty matters

Experienced in all types of appraising, including business valuations, condemnation proceedings, estate and historic values, feasibility studies, investment analysis, right-of-way appraisals, subdivision analysis, tax and assessment reviews.

Sue Goodale Sutton

9450 Patricia Place
Juneau, AK 99801
789-5621

RESUME

Work Experience

8/81 to Present **Executive Secretary II/III to Chief of Staff**
PROFS Administrator
Project Coordinator - Employee Recognition Program
State of Alaska, Office of the Governor

Duties: Provide secretarial and administrative support to the Chief of Staff. Responsibilities include scheduling meetings, drafting correspondence, screening calls and walk-in visitors, making referrals, legislative relations, coordinating staff and cabinet meetings. Due to the length of time in this position, am relied upon to provide historical information and guidance throughout State government. Act as liaison between agencies and Chief of Staff. PROFS Administrator duties include training, programming for, and customizing PROFS accounts. In September 1988, designed, implemented and currently manage the Governor's Employee Recognition Program. (This position was upgraded from Executive Secretary II to III in 1982, and presently is more administrative than secretarial.)

Special computer skills:

- Developed and implemented standard formats for Displaywriter correspondence to streamline word processing in Governor's Office
- Self-taught on Macintosh SE; most applications
- Self-taught on PROFS Electronic Mail; taught other members of staff and regional offices; currently PROFS Administrator for Governor's Office
- Developed and implemented PROFS correspondence tracking system between Governor's Office and line agencies
- Developed and/or streamlined existing instructions for PROFS, document transfers from PROFS to various computer systems and vice-versa, and all other computer functions as necessary

11/80 to 8/81 **Executive Secretary I**
State of Alaska, Office of the Governor

Duties: Provided Secretary II support for One Special Assistant and Secretary I support for an additional Special Assistant and a Secretary II. Responsibilities included scheduling meetings, drafting correspondence, screening calls and walk-in visitors, making referrals and other miscellaneous duties as assigned.

6/80 to 11/80 **Legal Secretary**
Robertson, Monagle, Eastaugh & Bradley
Attorneys at Law

Duties: Secretarial/administrative, including word processing (Digital).

Sue Goodale Sutton

2

7/71 to 6/80

Legal Secretary
(out of state)

Nine years as a legal secretary, some as a self-employed free lancer. Four years were spent with a corporate law firm specializing in real estate law, joint ventures and limited partnerships. During this time, was also a sales representative for an automobile dealership and insurance company, and route parcel delivery person for United Parcel Service.

Education

1963-1967

Juneau-Douglas High School

1967-1969

University of Puget Sound, Tacoma, Washington

References available upon request



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

Date

The Honorable Dick Eliason
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

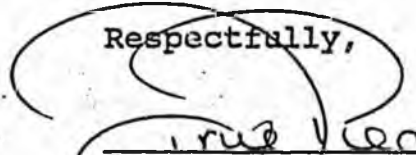
Dear President Eliason:

In accordance with AS 39.05.080, the Labor and Commerce Committee reviewed the following with regard to confirmation of the Governor's appointment:

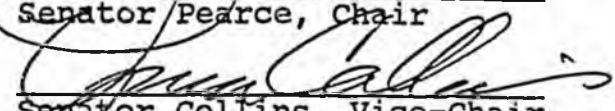
Board of Pharmacy
Coursey, Chris E. - Anchorage

There were no stated objections to the confirmation of the named individual by committee members. This does not reflect an intent by any of the members to vote for or against him during any further sessions.

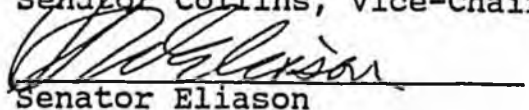
Respectfully,




Senator Pearce, Chair



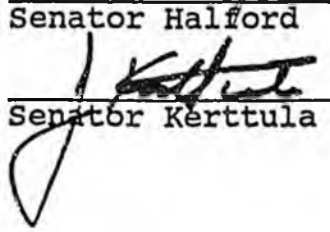
Senator Collins, Vice-Chair



Senator Eliason



Senator Halford



Senator Kerttula



Alaska State Legislature

Senate

Office of the Secretary

PO BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99801

OFFICIAL BUSINESS

April 26, 1991

M E M O R A N D U M

TO: Senator Pearce, Chair
Labor and Commerce Committee

FROM: Nancy Quinto
Secretary of the Senate

RE: Confirmation of Governor's Appointees

Pursuant to AS 39.05.080, President Eliason has referred the position noted to your committee for a hearing, recommendation and report:

Board of Pharmacy

Coursey, Chris E. - Anchorage
Term began 4/23/91 expires 4/1/95

w/attached resume

RESUME OF QUALIFICATIONS

CHRIS B. COURSEY

Department of Pharmacy Services
Humana Hospital Alaska
2801 DeBarr Road
Anchorage, Alaska 99508
(907) 264-1138

PROFESSIONAL OBJECTIVE

An administrative position in a progressive health care environment offering development and management of comprehensive pharmacy services and personnel.

EDUCATION

Washington State University, College of Pharmacy
B. Pharmacy, 1977

Residency in Clinical Pharmacy
Veterans Administration Hospital
Palo Alto, California 2000 beds
7/77 - 7/78

EXPERIENCE

Director of Pharmacy Services
Humana Hospital Alaska
Anchorage, Alaska 238 beds
7/82 to present

- Department financial management
- Inventory control
- Staffing control/productivity standards
- Personnel management/staff development
- Clinical services/drug information center
- Conversion to computerized pharmacy operations
- Implementation of separate retail pharmacy operations
- Multi-hospital Pharmacy and Therapeutics Committee
- Member of Medical Staff Quality Assurance Committee, Safety Committee, Institutional Review Committee
- Co-Chairman, Hospital Quality Review Committee
- Chairperson, Nursing/Pharmacy/Dietary Committee
- Member, Hospital JCAHO Task Force
- Co-editor, Drug Information newsletter
- Outpatient diabetic education instructor
- Assisted in development of hospital wide merit performance appraisal system
- Community service- TV, radio talk shows - Drug information

Assistant Director of Pharmacy
Humana Hospital Tacoma
Tacoma, Washington 155 beds
7/78 - 7/82

Activities and accomplishments included:

- Participation in CPR code team
- Management/teaching of Level A Pharmacy Assistant state approved training program
- Guest lecturer- Washington State Lung Association
- Guest lecturer- Univ. of Puget Sound PT/OT School
- Development of hospital chemotherapy administration standards

Resident in Clinical Pharmacy
Veterans Administration Hospital
Palo Alto, California 2000 beds
7/77 - 7/78

Activities and accomplishments included:

- Management of outpatient Anticoagulation Clinic- supervised maintenance therapy of 30-35 patients; warfarin dosing, lab monitoring, counseling
- Preceptor for clinical clerkship program of University of Pacific Pharm.D. candidates-development of role models, supervision, and teaching
- Member of CPR code team
- Participation in outpatient clinic services-Medication Refill Clinic, Hypertension, and Oncology clinics
- Guest lecturer-DeAnza Community College nursing school
- Practical clinical training as a member of the medical team on medical rotations

HONORS

Pharmacy Leadership Award, 1988 National Association of Retail Druggists

McKesson Leadership Award, 1988

Presidents Award for Outstanding Service, 1987
Alaska Pharmaceutical Association

Hospital Pharmacist of the Year Award, 1986
Alaska Pharmaceutical Association

Invited Participant-Western Regional Conference on Clinical Pharmacy, Coto de Caza, California, Jan. 1987

Delegate-Hospital Pharmacist Delegation to the Peoples Republic of China, October 1985

Outstanding Employee of the Year, 1980
Humana Hospital Tacoma

PUBLICATIONS Author-"The Psychotomimetic Side Effects of Pentazocine," Drug Intelligence and Clinical Pharmacy 12:342-346, June 1976

PRESENTATIONS Management Case Study: Clinical Antibiotic Surveillance, American Society of Hospital Pharmacists, Midyear Clinical Convention, Las Vegas, 1986

ORGANIZATIONS & APPOINTMENTS American Society of Hospital Pharmacists
Member-Special Interest Group on Administration
State Chairman-Education Advisory Working Group 1984-1985

American Pharmaceutical Association
House of Delegates 1988

Alaska Pharmaceutical Association
President 1988
Convention Chairman 1987, 1988
Board of Directors 1985 - 1989

Washington State Society of Hospital Pharmacists
Secretary/Treasurer, Region II 1980-1982

Advisory Council to State of Alaska Health Sciences Library 1988

State of Alaska Pharmacy Medicaid program, Proposal Evaluation Committee 1988

Member, Alaska State Task Force on Prescription Abuse Data Synthesis 1987-1989

LICENSES Registered Pharmacist, State of Alaska AA0725
Registered Pharmacist, State of Washington PL10420
Registered Pharmacist, State of California 31566

Alaska State Legislature

Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
Senator Shirley Craft
Senator Rick Halford
Senator Jay Kerttula



WHILE IN JUNEAU
ALASKA STATE SENATE
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

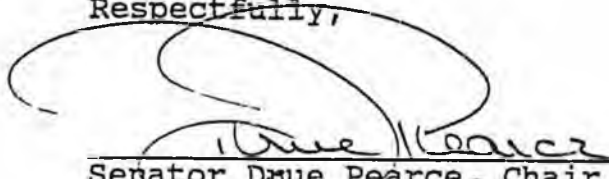
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

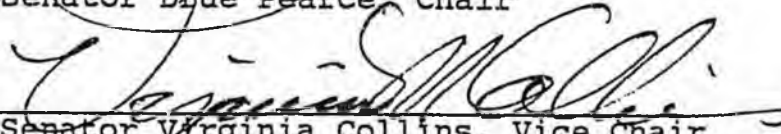
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Charles W. Mahlen recently nominated to the Commissioner of the Department of Labor. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

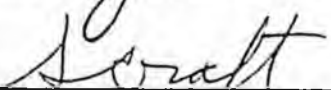
Respectfully,



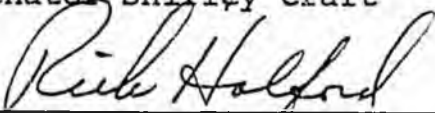
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

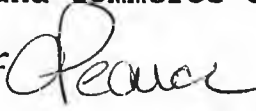
Alaska State Legislature

3111 C Street, Suite 150
Anchorage, Alaska 99503
(907) 561-2038
FAX: (907) 561-4194

During Session:
P.O. Box V
Juneau, Alaska 99811
(907) 465-4993
FAX: (907) 463-5352

Senator Drue Pearce
District G

MEMORANDUM

To: All Senate Labor and Commerce Committee Members
From: Drue Pearce, Chair 
Date: March 2, 1992
Re: Governor's Commissioner of Labor Nominee

Attached is the resume of Charles W. Mahlen, the Governor's nominee as Commissioner of Labor. The Labor and Commerce Committee will hold a confirmation hearing in April on Mr. Mahlen's nomination.

989 Cranberry Ridge Drive
Fairbanks, Alaska 99712
December 20, 1991

Charles W. Mahlen

RESUME UPDATE

Personal Information:

Married - 5 Children, 8 grandchildren all Fairbanks area residents.

Employment history:

Upon retirement after 13 years as Field Representative and Organizer for Local 302, Jim Thurmond of Earthmovers of Alaska called me in Hawaii, while I was on vacation and recruited me to a contract of "Project Manager for the Alyeska Pipeline Maintenance Contract" from Prudhoe Bay to Valdez for a period of less than two years. I agreed to the job although my Union Retirement was later suspended while I worked on the union project. For this reason I would not accept an extension and retired again after the agreed contract.

Earth Movers of Fairbanks

January 1989 to November 1990

Title:

Project Manager, Alyeska Pipeline maintenance contract.

Status:

Exempt - Straight salary for 6 or 7 day week as required by the job. (no hourly or overtime)

Scope:

Linewide - Pump Stations Prudhoe to Valdez Terminal, Van Horn Facility, Nordale Storage Facility and Project Office at Fairbanks.

Responsibility:

All Management, including Labor Negotiations, Contract Administration, Site Manning, R & R schedule, Safety Program and awards, work orders, purchase orders and payroll.

Personnel:

Up to 250 union heavy duty mechanics, teamster drivers, warehousemen, partsmen and laborers.
Safety Department Supervisor
Secretaries
Timekeepers
Payroll Clerks
Logistics Manager

RESUME'

Charles W. Mahlen

Personal Information:

Married - 5 Children

989 Cranberry Ridge Drive
Fairbanks, AK 99712
(907) 457-5357

Security Clearance:

Top Secret -- Last certified by the Defense Industrial Security Clearance Office (DISCO), Columbus, Ohio, 25 April 1968. (This clearance not presently active after my departure from Northrop-Page.)

Education:

1950 = John Marshall High School - St. Paul, Minnesota
1951-1952 = University of Minnesota, Business Administration
1953 = Marine Corps Institute - Post Exchange Operation
Accounting and Bookkeeping

Special Training Schools:

5/60 = Federal Electric Corp. - Diesel Electric School
Diesel electric prime power theory, operation, maintenance repair and troubleshooting.

4/61 = Western Electric Corp. - Switchgear School
Operation of Western automatic transfer and synchronizing repeater station switchgear.

9/61 = Nordberg Diesel School
Operation and maintenance institute for 1450 BPH's, 1020 KW, 1275 EVA, 2400 volt diesel generator units.

11/61 = Federal Pacific Switchgear School
Operation of 2400 volt switchgear to handle four 1020 KW diesels, utilizing synchroscope and LSG-10 electronic load sensing governors.

12/61 = Woodward Governor Company - Rockford, Illinois
Training on LSG-10, electro-hydraulic load sensing and mechanical-hydraulic speed sensing governor, UG-8 and PSG governors.

Employment History:

International Union of Operating Engineers
October 1975 to October 1988

Field Representative and organizer covering the Prudhoe Bay area for nine years nine months from October 1975 to July 1984 with travel from Prudhoe Bay to Valdez linewise for various assignments. Covered Fairbanks area bases and commercial accounts in the same capacity from June 1984 to October 1988.

Page Communications Alaska, Inc.
September 1974 to October 1975

Project Manager for Page Communications Alaska, Inc. newly formed to implement contract TAPS/866 for the provision of a communication system for pipeline construction from Valdez to Prudhoe Bay complete with relay stations, mobile units, 24-hour radio rooms manned with FCC licensed operators and technicians at all designated camps and locations linewise.

Page Communications Engineers, Inc.
October 1973 to August 1974

Program Manager working out of the Vienna, Virginia, home office on field trip implementation tasks for CNT (Canadian National Telecommunications) to establish a tropo link from Inuvik, N.W.T. to the Arctic Red River site south of Inuvik on the Upper Mackenzie River.

The next assignment was Program Management work in south Florida doing "911" communications plan for the police and sheriffs departments of Monroe, Dade, Broward and Palm Beach counties from Key West to West Palm Beach.

Self Employed
June 1972 to September 1973

Incorporated as Agent/Owner/Operator of "Charlie's Lazy Bar Incorporated", a retail on/off sale liquor and bar business in Danbury, Wisconsin.

Page Communications Engineers, Inc.
July 1970 to June 1972

Installation Manager of the Integrated National Telecommunications System Project of Iran with prime responsibility for the installation and erection of all equipments of this 200 million dollar project.

Manager of INTS Project, Area 05, Tehran, responsible for installation, erection and civil construction. Overall management of the implementation, budget, planning and scheduling for the 78 sites of Area 05.

Project Manager of the Iranian Microwave Project 063 Phase II Responsible for overall contract management of the 3-1 system, linking Tehran, Asadabad and Kermanshah.

Page Communications Engineers, Inc.

February 1969 to July 1970

Project Manager of the Heirloom Project of Greece. Implementation of the hard site project networks, for the war headquarters command and control systems of the Royal Hellenic Navy.

Construction and Installation Manager of the Greek National Television System. Constructed, installed and put the first four Greek TV stations at Athens, Gerania, Pillion and Salonika into operation.

Construction and Installation Manager in the Program Management Department, Europe, Africa and Middle East of Page's Operation Directorate, Atlantic. Mr. Mahlen managed all construction and installation for seven tropospheric and microwave sites under a Page contract for the SHAPE Relocation Program. His areas of responsibility covered the implementation of civil engineering, locating and screening of subcontractors, definition of tasks, writing work statements and requests for quotes, award subcontracts, monitoring the activities of subcontractors, paying contract invoices, control and disperse installation materials, supervise antenna and tower construction and supervising the installation of all equipment.

Page Communications Engineers, Inc.

December 1966 to February 1969

Field Project Manager of the SHAPE Relocation Project; sell off and contract close out.

Project Manager of the Edzel, Scotland, Thurso, Scotland and Marathon, Greece tower and antenna projects for the U.S. Navy.

Federal Electric Corporation/International Standard Engineering Co.

April 1966 to December 1966

Assigned to Pasco, Washington, for troubleshooting diesel units, debugging control boxes, test equipment, completing and proving-out test procedures. When sustained production was achieved by the 12 Unit Test Console, Mr. Mahlen was assigned the task of setting up for Air Force approval and implementing the refurbishment of 900,000 pounds of government furnished equipment, including 269 diesel engines received from defaulted contractors.

Mr. Mahlen was then placed in charge of coordinating all changes in the manufacture of the five sizes of MB-Teen generator sets. This task led to a supplementary contract where he utilized an average of five student draftsmen and in four months corrected the 975 manufacturing drawings for the complete component and final assembly manufacture of the 50/60 cycle skid and wheel mounted MB-Teen generator series of 5 KW, 30 KW, 60 KW, 100 KW and 150 KW units. Mr. Mahlen reviewed each drawing with the Air Force engineers and SAMAMA head draftsman signing with them on acceptance. This manufacturing master drawing package on mylar was reproduced by the Government for 1967 bids and future power unit procurement.

Mr. Mahlen was Assistant to the Engineering Manager in charge of drafting, reproduction, configuration change approval, a member of the material review board, and initiating engineering change proposals for product improvement and/or cost reduction.

Federal Electric Corporation/International Standard Engineering Co.
May 1962 to April 1966

Assigned Rome, Italy, European project operation as Sector Supervisor, Italy for implementation of EMT/486L sites. Responsible for all phases of field activity installation and test in Italy, including budget preparation, cost control measures, work planning and scheduling, management and direction of field personnel. Review of all engineering change requests originating at Italian sites. Supervise logistic and transportation specialists to assure site/project requirements are fulfilled. Check performance of site installation effort by frequent administrative and technical on-site inspections.

At completion of the Italian Sector Installation Task, Mr. Mahlen was assigned to the Field Engineering Department as a member of the Drawing Configuration Control Program to assist in finalization of the system drawing package, inspecting, correcting drawings and writing engineering reports on 486L sites in Spain, Italy, Greece and Turkey.

On December 3, 1966, Mr. Mahlen was requested and made available as Power Consultant to the Electronic Systems Division Site Activation Task Force Europe to identify and resolve power system problems, participate in plant acceptance tests, train operating crews and provide management consultation and advise to U.S. Air Force SATAF.

Completing the Air Force Consultant job, site acceptance phase, Mr. Mahlen declined an extension request to accept a job of Test Engineer at the New Pasco, Washington, power generator manufacturing facility.

In 1963, prior to his EMT assignment, Mr. Mahlen directed the successful test and acceptance of all the diesel power generating units on the U.S. Air Force BR11/TMP Project in Greece and Italy and advised on air conditioning and heat exchanger problems.

FEC: Titan Project, Larson AFB, Washington
October 1961 to July 1962

Duties: Complex Maintenance Foreman. Directed 40-60 personnel performing powerhouse maintenance and operation, maintenance and operation of electrical and mechanical systems of Missile Site 1-C. Trained Air Force power production and maintenance personnel to accept and maintain the Titan complex. Complex C power generation equipment consisted of four 1020 KW Nordberg diesel generator sets, vapor phase systems, Royal Pacific switchgear, various heating and cooling water systems, chilled water system and air conditioning equipment, hydraulic systems, pneumatic control systems, radiation air protective safety devices, elevators, etc. This powerhouse at Complex 1-C received praise by inspecting Air Force Generals as the finest observed.

FEC: (Subsidiary Northern Services, Inc.) Anchorage, Alaska
October 1958 to October 1960

In charge of operation and maintenance of diesel electric power generator at Pedro Dome, White Alice communication site. Duties included operation and maintenance of diesel prime power generators, boilers, refrigeration equipment, air conditioning, chlorinators, water stills, routine maintenance and stock records. This power plant received many citations for its outstanding record of operation without any outage during Mr. Mahlen's assignment.

Other Experience

Universal Services, Inc., Anchorage, Alaska
July 1960 to October 1961

Duties: Lead Mechanic. Supervision of mechanics in the operation and maintenance of Alaska Ballistic Missile Early Warning prime power sites and power houses.

Morrison-Knudsen Co., Fairbanks, Alaska
October 1957 to October 1958

Duties: In charge of operation and maintenance of diesel electric power generation at Pedro Dome White Alice Station. Responsibilities and achievements were as described previously.

Peed and Martin Co., Fairbanks, Alaska
April 1957 to October 1957

Duties: Foreman. Supervision of construction crew building White Alice communication station near Fairbanks, Alaska. Supervised progress, originated and maintained records regarding time and cost control approved and/or originated construction/engineering changes.

Morrison-Knudsen Co., Fairbanks, Alaska
April 1956 to April 1957

Duties: Foreman. Supervision of construction crew at Eielson AFB, Fairbanks, and of the Arctic White Alice communications site at Cape Lisborne.

Foley Brothers Construction Co., Aurora, Minnesota
July 1954 to April 1956

Duties: General Labor Foreman. Supervision of construction crews at a taconite plant. Work included blasting, scaling, skip loading, hauling, clearing and general construction work.

Military Service

U.S. Marine Corps
February 1952 to February 1954

Post Exchange Steward, Camp Pendleton, California. P.X. operation and supervision of civilian personnel, inventories, stock control and time keeping. Continued in this position for three months after discharge.

Alaska State Legislature



House of Representatives House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

January 28, 1991

The Honorable Charles E. Cole
Attorney General
P.O. Box K
Juneau, Alaska 99811

Re: Constitutionality of AS 44.39.030

Dear Attorney General Cole:

In reviewing recent press accounts of the controversy involving the appointment of the Commissioner of Fish and Game, I was interested to read you have concluded that AS 44.39.030 (which requires the commissioner to be appointed from names submitted to the Governor by the Boards of Fish and Game) is an unconstitutional infringement on the power of the executive. Because I am very interested in the contours of the relationship between the executive and legislative branches of government, I would appreciate receiving a copy of any written opinion in which you or a member of your staff conclude the statute is unconstitutional. If a written opinion on this subject does not exist, please advise me of the legal basis for your conclusion that the statute is unconstitutional.

Thank you in advance for your prompt attention to this request.

Very truly yours,

A handwritten signature in cursive script that reads "Dave Donley".
Dave Donley, Chair

DD:lho

MEMORANDUM

State of Alaska
Department of Law

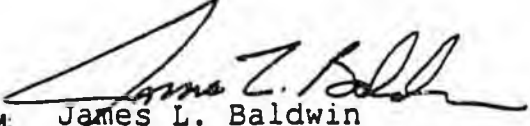
TO: Charles E. Cole
Attorney General

DATE: January 10, 1991

FILE NO: 663-91-0252

TEL. NO 465-3600

SUBJECT Governor's power to
appoint commissioner of
fish and game


FROM: James L. Baldwin
Assistant Attorney General

You directed me to research the following question:

May the governor appoint the Commissioner of the Department of Fish and Game without being limited in his consideration to the nominees submitted to him by the Boards of Fisheries and Game under AS 44.39.030?

As requested, set out below is a brief legal analysis of the validity of the statute conferring the power of nomination on the boards.

BACKGROUND

The Department of Fish and Game is established by law as a principal department of state government. AS 44.39. The "principal executive officer" of the department is the commissioner of fish and game. AS 44.39.010. Certain regulatory functions of the department are assigned by law to the Boards of Fisheries and Game. AS 16.05.251 and 16.05.255. However, the boards may not exercise powers over administration, budgeting, or fiscal matters. AS 16.05.241. The boards are somewhat autonomous in that the members have a fixed term and arguably may only be removed for cause. AS 39.05.055; AS 16.05.280. The Alaska Constitution gives the governor the power to appoint the heads of principal department heads. Alaska Const. Art. III, Sec. 25. However, in addition to the board's regulatory powers, the boards are given statutory power to nominate persons for appointment by the governor to the office of the commissioner of fish and game. The statute provides:

The governor shall appoint the commissioner of fish and game from a list of qualified persons nominated by the Board of Fisheries and Board of Game meeting in joint session, subject to the right of the governor to request additional nominations.

AS 44.39.030. Once appointed by the governor, the commissioner must be confirmed by the legislature sitting in joint session. Alaska Const. Art. III, Sec. 25.

FACTS

The boards will not allow the governor to appoint his choice as commissioner of the Department of Fish and Game. The board has defeated the governor's appointment of the commissioner of Fish and Game by not nominating the governor's choice.

ARGUMENT

The Alaska Constitution confers the power to appoint executive department heads exclusively on the governor. The state constitution provides:

The head of each principal department shall be 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.... The heads of principal departments shall be citizens of the United States.

Alaska Const. Art. III, Sec. 25. The power of appointment of high-level policymaking officials is an executive function. Bradner v. Hammond, 553 P.2d 1, 6 (Alaska 1976). Under the state constitution, there are separate and distinct powers granted to each of the three branches of state government. This division of power leads by implication to the separation of powers doctrine recognized by the Alaska Supreme Court. Public Defender Agency v. Superior Court, Third Judicial District, 534 P.2d 947, 950. Under that doctrine, powers conferred exclusively upon one branch of government cannot be encroached upon by another branch of state government.

As a matter of constitutional interpretation, the power to appoint the head of a principal executive department is an executive function that may not be further delegated except as permitted by the Alaska Constitution. Bradner 6, 7. To allow the power of appointment of principal policy-makers to be shared with other entities, including regulatory boards in the executive branch, would improperly diffuse the executive power of the governor under Art. III Sec.1 of the Alaska Constitution. In effect, the statute authorizing the boards' power to nominate requires the governor to share his power of appointment contrary to the mandate of the Alaska Constitution.

The constitution mandates the creation of principal executive departments headed by single executives, unless specifically provided otherwise by law. Alaska Const. Art. III, Sec. 25. Once the office is created by law, the authority to make

the appointment is expressly conferred on the governor by the Alaska Constitution. Because it expressly delegates the appointment power to the governor alone, the constitution may be construed as precluding any other person from exercising the appointment power or any significant aspect of it. In Bradner v. Hammond, the Alaska Supreme Court stated

... [Article III, Sections 25 and 26 of the Alaska Constitution] delineate the full extent of the constitution's express grant to the legislative branch of checks on the governor's power to appoint subordinate executive officers.

553 P.2d at 7; Cf. Granato v. Occhipinti, 602 P.2d 442 (Alaska 1979) n.8 (confirmation power construed as limited to only officials expressly mentioned in state constitution). Because the text of the Alaska Constitution is clear and unambiguous as to who may appoint principal executive officers, there seems little room for argument that the power of appointment, or any significant aspect of it, may be delegated by law to a subordinate administrative agency similar to Boards of Fisheries and Game.

Case law from other states holds that the method for selection of principal department heads set out in the state constitution may not be altered by law. Opinion of the Justices, 374 A.2d 638, 640, citing Opinion of the Justices, 335 A.2d 642, 643 (N.H. 1975); accord Ahren v. Bailey, 451 P.2d 30, 33 (Ariz. 1969) (governor's power to remove appointees is part of constitutional power to execute the law, and for that reason, may not be altered by legislature). By conferring the power to nominate candidates for the office of commissioner, the legislature encroaches on the executive power of appointment by attempting to delegate part of the governor's appointment power.

Department heads are the principal agents through which the governor carries out his constitutional responsibility for "the faithful execution of the laws." The state constitution confers this power exclusively on the governor. Alaska Const. Art. III, Sec. 16. Any statute which directs the sharing of the power to appoint these officers with others, conflicts with the governor's enforcement power granted by the constitution. Tucker v. State, 35 NE.2d 270, 292 (Ind. 1941). Even though the boards make only nominations to the governor, the screening of candidates which results in the nomination of those qualified is an executive function and an essential element of the power of appointment. Advisory Opinion to the Governor, 276 So.2d 25 (Fla. 1973). It is not difficult to picture the confusion that would be interjected into the administration of a governor that must limit appointments of principal department heads to nominees of the literally scores of administrative boards and commissions created

Hon. Charles E. Cole, Attorney General
AG #663-91-0252

January 10, 1991
Page 4

by law. The powers directly conferred on the governor by the state constitution were intended to avoid this pitfall.

CONCLUSION

Based on the foregoing legal analysis, it appears that substantial legal authority exists to support an action taken by the governor to appoint a commissioner of fish and game without reference to nominations submitted by the Board of Fisheries and the Board of Game.

JLB:cl

ALASKA NATIVE BROTHERHOOD/
ALASKA NATIVE SISTERHOOD
CAMP 14
P.O. BOX 6295
KETCHIKAN, ALASKA 99901

APR 5 1991

POD

March 11, 1991

Governor Walter J. Hickel
P.O. Box A
Juneau, Alaska 99811-0101

Dear Governor Hickel,

This letter is in OPPOSITION to your appointment of Carl Rosier for Alaska Department of Fish and Game (ADF&G) Commissioner, mainly for his insistence on appointing Ron Somerville as Deputy Commissioner of ADF&G.

I am writing this letter, by unanimous vote, on behalf of ANB and ANS Camp #14. It is our opinion that Mr. Somerville's strong opinions on the subsistence issue render the Commissioner's office incapable of approaching the issue of allocating fish and wildlife resources objectively as long as Mr. Somerville remains Deputy.

An example of Mr. Somerville's lack of objectivity as demonstrated by his working record. In the Fall of 1982, Mr. Somerville led a political rebellion of Game managers in support of the ballot proposition to eliminate the subsistence preference from State law. It got him fired. In the notice of dismissal, his Commissioner stated that Mr. Somerville could no longer "be effective as Director of the Division of Game" because he had "burned too many bridges and alienated too many people".

Mr. Somerville's appointment in any policy making position at ADF&G would serve to polarize Alaskans even further on subsistence, at a time when we should be brought together by a new Governor and ADF&G management staff on this important issue.

Therefore we submit the following qualified people for ADF&G Commissioner for consideration:

- * Robert W. Loescher, Executive Vice President of Resource Management, Sealaska Corporation.
- * Dr. William G. Demmert, immediate past Commissioner of Education and former Deputy Commissioner of ADF&G.

-AND-

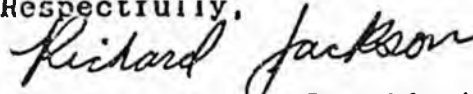
- * Delores A. "Dolly" Garza, now completing her doctorate in fish and game management, marine biology; Assistant Professor, University of Alaska Marine Advisory Program.

It is our opinion these people would fill ADF&G's Commissioner position effectively!

If you have any questions please feel free to contact me Richard Jackson, President-ANB Camp #14, P.O. Box 6295, Ketchikan, Alaska 99901.

Thank you for your time regarding this very important issue.

Respectfully,



Richard Jackson, President
Alaska Native Brotherhood
Camp #14-Ketchikan

c.c. Robert Willard, President
Southeast Native Subsistence Commission

Albert M. Kookesh, Grand Camp President
Alaska Native Brotherhood

Selina Everson, Grand Camp President
Alaska Native Sisterhood

Byron I. Mallot, President/CEO
Sealaska Corporation

All Alaska State Representatives

All Alaska State Senators

Anchorage Daily News

Juneau Empire

Ketchikan Daily News

Alaska State Legislature

HOUSE OF REPRESENTATIVES



RECEIVED JAN 31 1991

REPRESENTATIVE FRAN ULMER

January 29, 1991

The Honorable Walter J. Hickel
Governor, State of Alaska
P.O. Box A
Juneau, AK 99811-1010

Dear Governor,

I am writing to register my serious concern about your recent decision to remove Bernard "Bud" Ivey from the Board of Fish. In his short time on the Board, Bud Ivey has proved himself to be a most capable member, garnering respect from a wide spectrum of Alaskans involved in fishing issues. I am especially disturbed by allegations that this action is part of a broader political agenda.

The reason given for firing Bud Ivey was a technical fishing violation. As I understand it, his net drifted across an unmarked temporary boundary during an opening in Lynn Canal. Governor Steve Cowper reviewed the situation. He chose not to take action against Bud because of the technical nature of the violation and also because a Board member had previously been retained under similar circumstances. Now, some 5 months after the incident, and on the heels of the Board's rejection of some of your candidates for Commissioner, comes this decision. While it may not have been your intention, the decision to fire Bud Ivey has all the appearances of political maneuvering. In any case, I feel this action is ill advised.

The recent turmoil over the appointment of Ron Somerville as Deputy Commissioner has stirred considerable divisiveness. The rejection of Bud Ivey only serves to exacerbate those tensions.

I urge you to reconsider your action.

Respectfully,

A handwritten signature in dark ink, appearing to read "Fran Ulmer".

Rep. Fran Ulmer

District 4B — Juneau

P.O. Box V • Juneau, Alaska 99811-3100 • (907) 465-4947



Recycled Paper

GLENN A. OLDS

Page 1

January 3, 1991

Appointed Commissioner of the Department of Commerce and Economic Development by Governor Walter J. Hickel. This department is responsible for strengthening and diversifying Alaska's economic base in a way that will offer long-term net benefits to all Alaskans. The department administers consumer protection programs and assists in a variety of semiautonomous organizations involved in both regulation and development.

October 1989

President and Chief Executive Officer, Better World Society

October 1987 - 1989

President and Chief Executive Officer, The John E. Fetzer Foundation

January 1988

Adjunct Professor of Philosophy, Western Michigan University, Kalamazoo, Michigan

June 1989

Adjunct Professor of Medical Sciences, The College of Human Medicine, Michigan State University, East Lansing, Michigan

December 1987

President and Professor of Philosophy Emeritus, Alaska Pacific University

May 1986 - November 1986

Candidate, United States Senate from Alaska

July 1977 - January 1988

President and Professor of Philosophy, Alaska Pacific University

September 1971 - July 1977

President and Professor of Philosophy, Kent State University

March 1969 March 1971

U.S. Ambassador - Representative, United Nations Economic and Social Council

May 1968 - February 1969

Special Assistant for Policy and Manpower Development to President Richard M. Nixon

GLENN A. OLDS

Page 2

1965 - 1968

University Dean for International Studies and World Affairs, State University of New York System

1958 - 1965

President, Springfield College, Springfield, Massachusetts

1954 - 1958

Director, Cornell University United Religious Work, Cornell University, Ithaca, New York

1951 - 1954

University Chaplain and Professor, University of Denver, Denver, Colorado

1948 - 1951

Associate Professor of Philosophy and Ethics, Garrett Theological Seminary; Visiting Professor of Philosophy, Northwestern University

1948

Assistant Professor of Philosophy, Depauw University, Greencastle, Indiana

1947

Assistant in Instruction, Yale University, New Haven, Connecticut

BOARDS & COMMISSIONS

JAN 30 1991

NANCY BEAR USERA

4000 Kutcher Drive
Anchorage, Alaska 99516
907/345-5785 Home
907/562-1255 Office

EMPLOYMENT HISTORY:

- 1984 to present: President/CEO, Alaska Credit Union League & Affiliates, a trade association representing all of Alaska's state and federally chartered credit unions.
- 1981 - 1984: President, O2, Inc., a consulting firm specializing in legislative advocacy, conference management, volunteer management and fund raising.
- 1977 - 1981 Project Consultant, Credit Union National Association, Washington, D.C.
- 1972 - 1977 Vice President, William S. Bergman Associates, Inc., Washington, D.C., a multiple association management firm representing national trade and professional associations.
- 1969 - 1972: Executive Assistant, Campaigns, USA, Inc., Washington D.C., a firm specializing in public relations, legislative advocacy, fund raising, campaign and management services.

PROFESSIONAL AFFILIATIONS:

Board Member, Credit Union National Association & Affiliates
Member, Association of Credit Union League Executives
Member, CUNA Governmental Affairs Committee
Member, ACULE NCUA Structure Task Force
Member, ACULE Legislative Response Task Force (1990)
Member, CUNA Federal Legislative/Regulatory Subcommittee (1988)
Member, ACULE, League Services Delivery Committee (1988)
Member, CUNA Human Resource Development Committee (1987)
Member, ACULE League Services Development Committee (1986)

CIVIC AFFILIATIONS:

Board Member, Commonwealth North, an Alaska leadership public policy forum
Member, Commonwealth North, Committee on Federal/State Relations
Member, Commonwealth North, Community Education Committee
Co-Author, Going Up In Flames, The Promises of Alaska Statehood
Board Member, Anchorage Economic Development Corporation
Member, Legislative Committee, AEDC
Chairman and Member, Anchorage Municipal Budget Advisory Commission (1983-1989)
Subcommittee Chairman for Cost containment, Mayor's Task Force on Fiscal Policy (1988)
Treasurer, Anchorage Parent Teacher Association (1984-85)
Board Member, Council of Community School Associations (1982-84)
President, Huffman Elementary School Parent Teacher Association (1982-84)

PERSONAL DATA:

Attended Virginia Polytechnic Institute and State University
Licensed insurance agent, life/health and casualty/property
Birthdate: 9 October 1949
Marital Status: Divorced with three children
Health: Excellent
Social Security: 224-72-2556

Alaska State Legislature

Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
Senator Shirley Craft
Senator Rick Halford
Senator Jay Kerttula



WHILE IN JUNEAU
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STATE CAPITOL
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(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

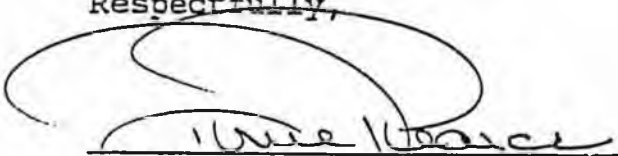
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

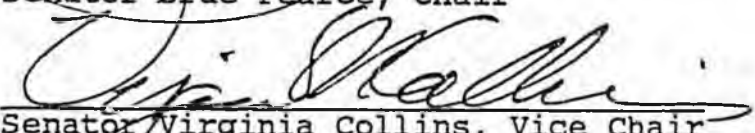
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of B. David Spell recently nominated to the Bd. of Architects, Engineers, & Land Surveyors. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

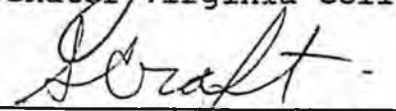
Respectfully,



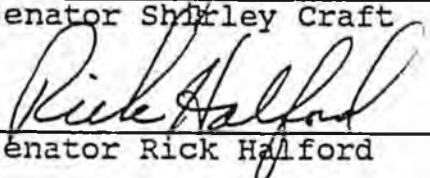
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Senator Shirley Craft



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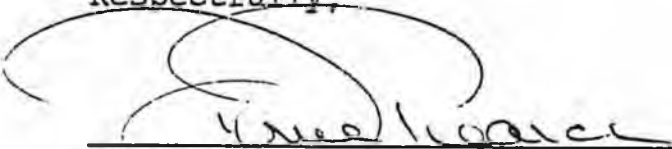
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Mike Tauriainen, P.E. recently nominated to the Bd. of Architects, Engineers, & Land Surveyors. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.


Respectfully,



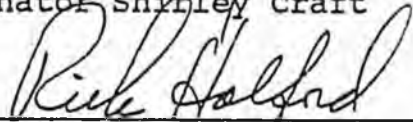
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Senator Shirley Craft



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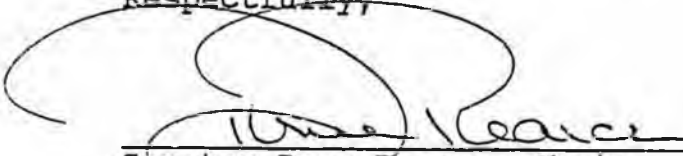
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Juneau, AK 99801-1182

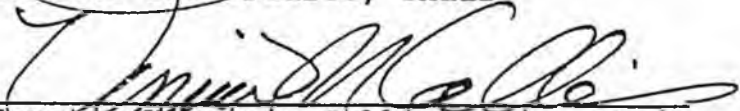
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Phil R. Holdsworth, P.F. recently nominated to the Bd. for Architects, Engineers, & Land Surveyors. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

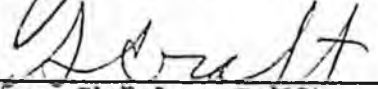
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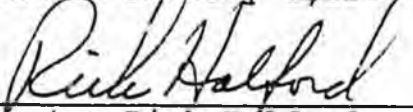
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Senator Virginia Collins, Vice Chair



Senator Shirley Craft



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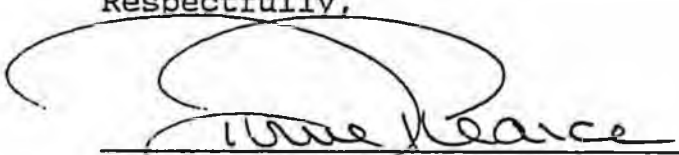
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The Honorable Richard I. "Dick" Eliason
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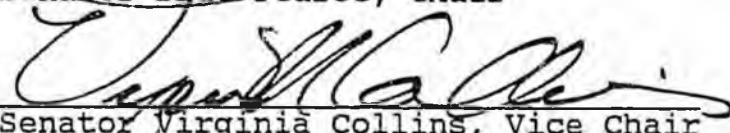
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Edward P. Young recently nominated to the Board of A. E. L. Surveyors. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

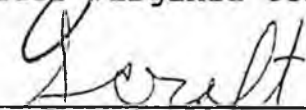
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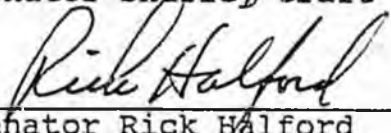
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



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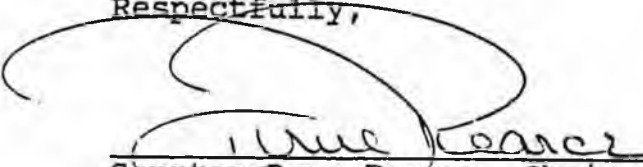
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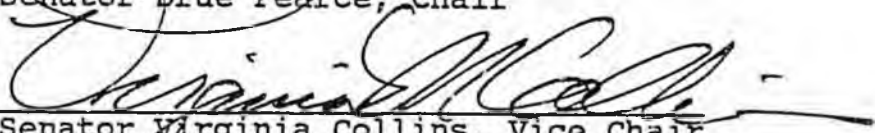
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Mark Troutman recently nominated to the Athletic Commission. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

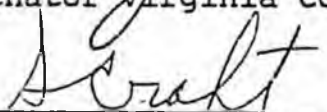
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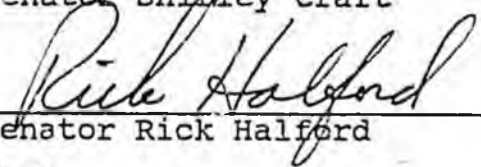
Senator Drue Pearce, Chair



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Senator Shirley Craft



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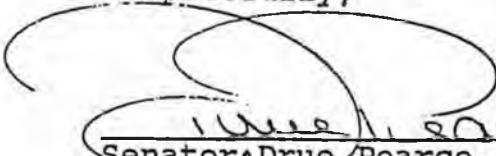
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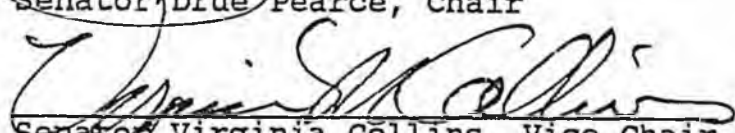
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of John N. Hansen recently nominated to the Athletic Commission. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

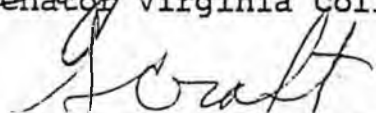
Respectfully,



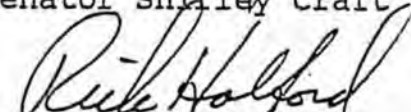
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

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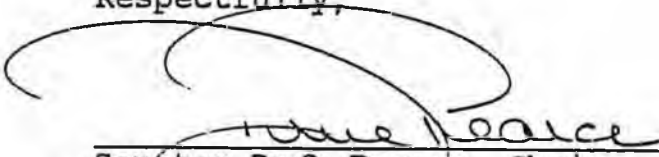
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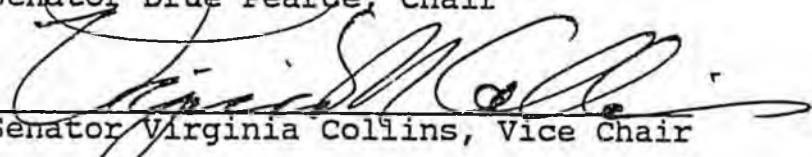
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Earl W. Davis recently nominated to the Athletic Commission. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

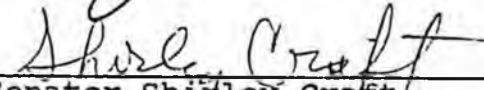
Respectfully,



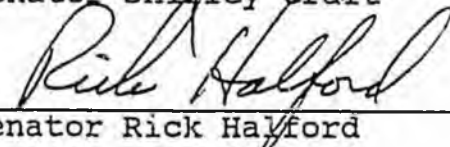
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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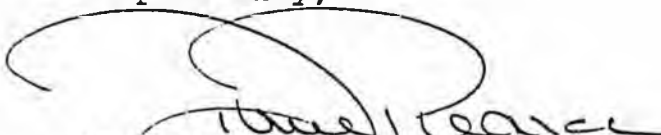
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President of the Senate
State Capitol
Juneau, AK 99801-1182

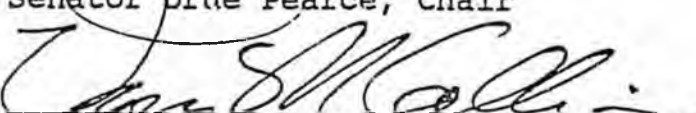
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Mariann Stoffel recently nominated to the Board of Barbers and Hairdressers. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

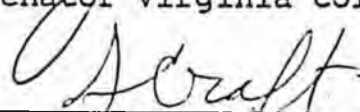
Respectfully,



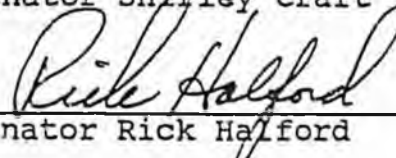
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

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Senator Virginia Collins, Vice Chair
Senator Shirley Craft
Senator Rick Halford
Senator Jay Kerttula



WHILE IN JUNEAU
ALASKA STATE SENATE
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

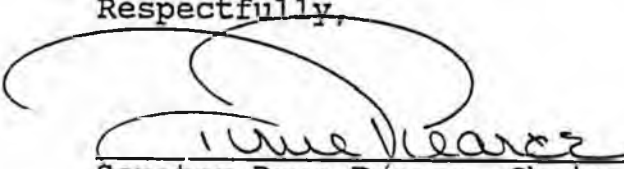
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

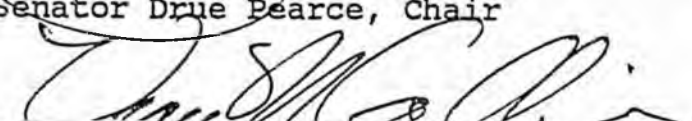
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Barbara Watkins recently nominated to the Board of Barbers and Hairdressers. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

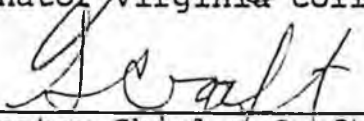
Respectfully,



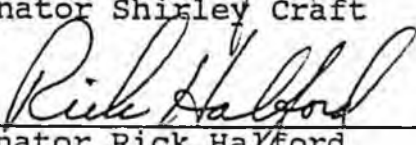
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

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SENATE LABOR AND COMMERCE COMMITTEE

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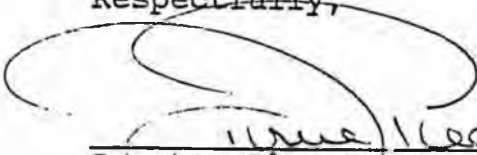
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Elmo O. Kienbaum recently nominated to the Board of Barbers and Hairdressers. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

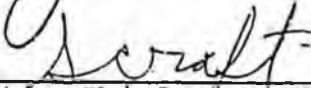
Respectfully,



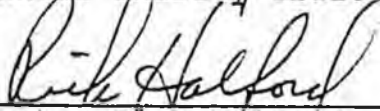
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



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Alaska State Legislature

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SENATE LABOR AND COMMERCE COMMITTEE

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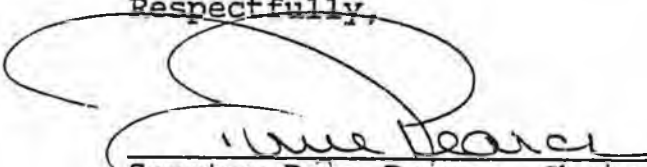
Date: April 27, 1992

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President of the Senate
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Juneau, AK 99801-1182

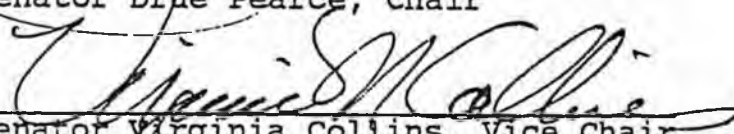
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Jerry R. Mayfield recently nominated to the Board of Barbers and Hairdressers. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

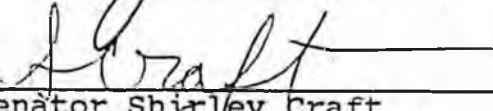
Respectfully,



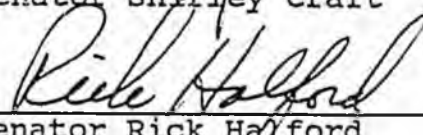
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

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Alaska State Legislature

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SENATE LABOR AND COMMERCE COMMITTEE

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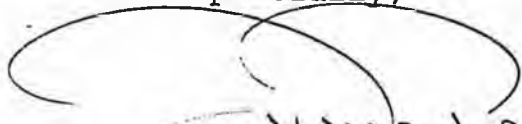
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
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Juneau, AK 99801-1182

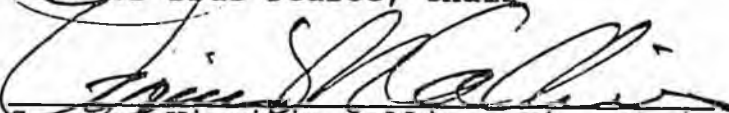
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Ken E. Kincaid recently nominated to the Bd. of Certified Real Estate Appraisers. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

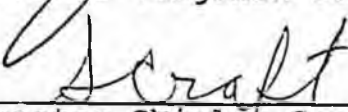
Respectfully,



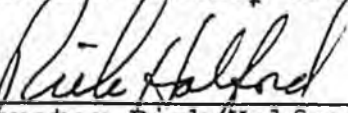
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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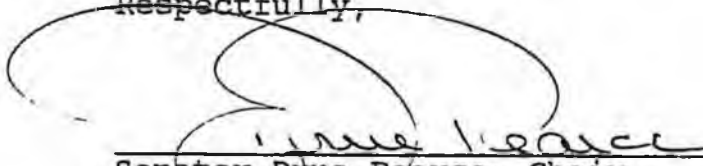
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State Capitol
Juneau, AK 99801-1182

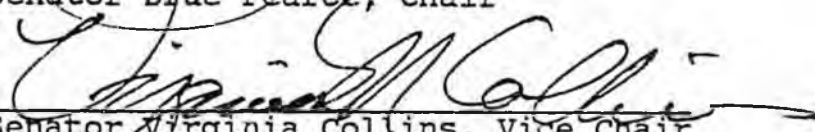
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Thomas P. King recently nominated to the Bd. of Certified Real Estate Appraisers. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

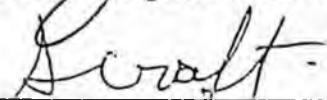
Respectfully,



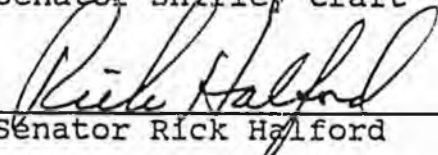
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

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SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Joseph P. Donahue recently nominated to the Bd. of Certified Real Estate Appraisers. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

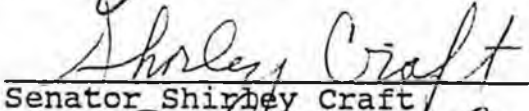
Respectfully,



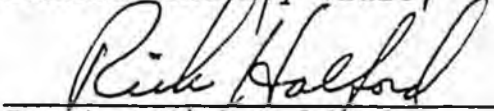
Senator Drue Pearce, Chair



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SENATE LABOR AND COMMERCE COMMITTEE

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ANCHORAGE, ALASKA 99503
(907) 561-2038


Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of William K. Simon recently nominated to the Bd. of Certified Real Estate Appraisers. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

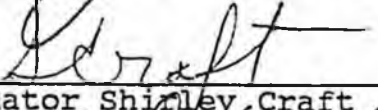
Respectfully,



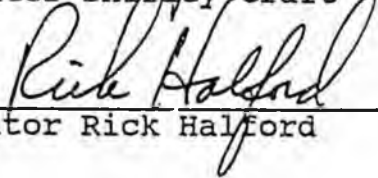
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
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WHILE IN JUNEAU
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SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2036

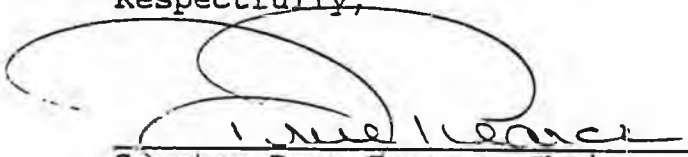
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

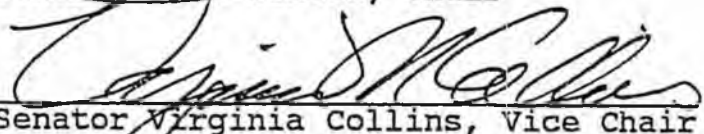
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of William F. Risch, D.C. recently nominated to the Board of Chiropractic Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

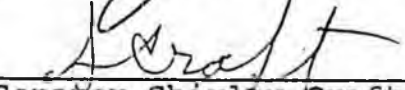
Respectfully,



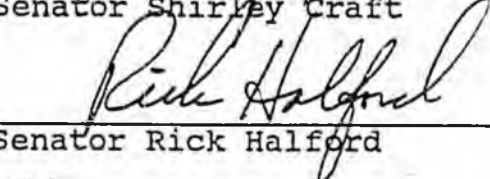
Senator Drue Pearce, Chair



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Senator Shirley Craft



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Alaska State Legislature

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SENATE LABOR AND COMMERCE COMMITTEE

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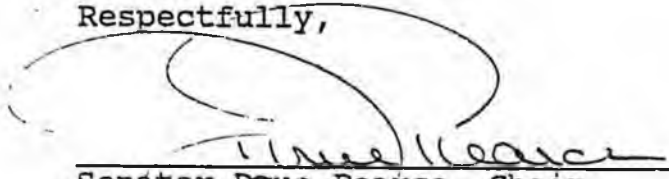
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The Honorable Richard I. "Dick" Eliason
President of the Senate
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Juneau, AK 99801-1182

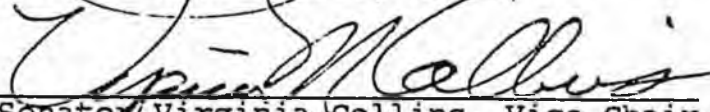
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Lou Ann Hedden recently nominated to the Board of Chiropractic Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

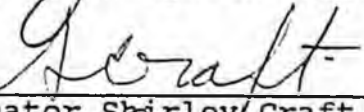
Respectfully,



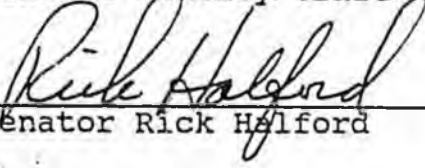
Senator Drue Pearce, Chair



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Senator Shirley Craft



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Senator Jay Kerttula

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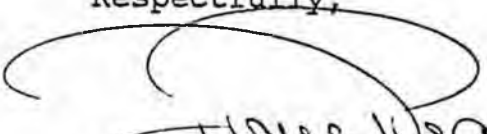
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President of the Senate
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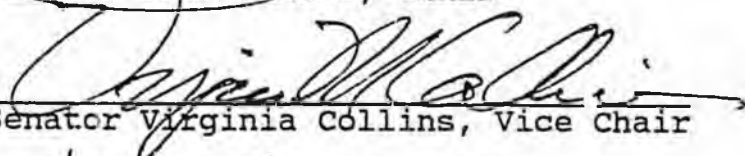
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Milli Andreini, LCSW recently nominated to the Board of Clinical Social Work Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

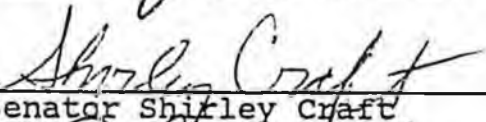
Respectfully,



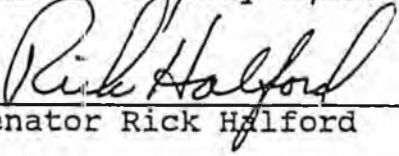
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Senator Jay Kerttula

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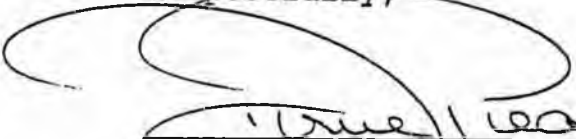
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Royann Royer recently nominated to the Board of Dental Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

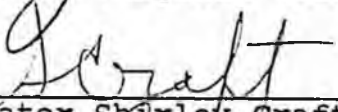
Respectfully,



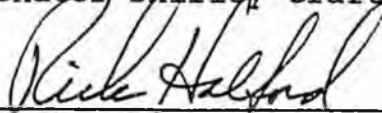
Senator Drue Pearce, Chair



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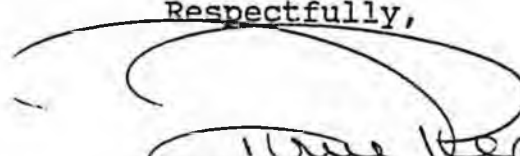
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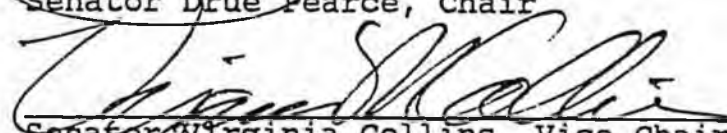
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Louis J. Thornley, DDS recently nominated to the Board of Dental Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

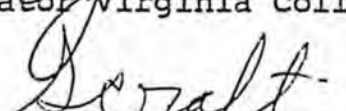
Respectfully,



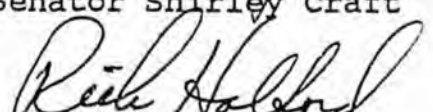
Senator Drue Pearce, Chair



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Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature



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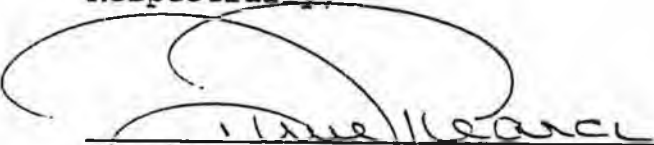
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The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

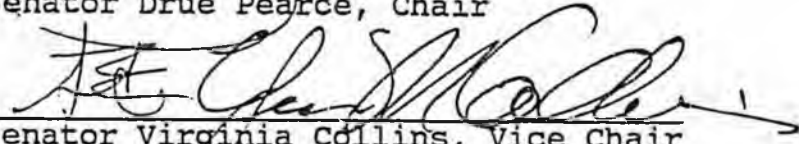
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of T. Greg Remaklas, DMD recently nominated to the Board of Dental Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

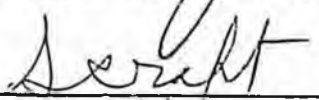
Respectfully,



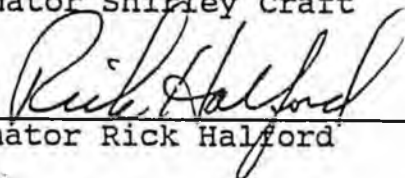
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

Senator Drue Pearce, Chair
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(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

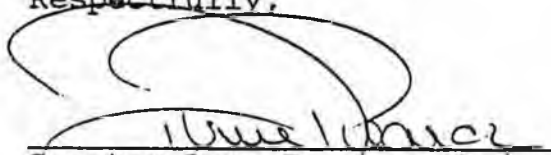
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

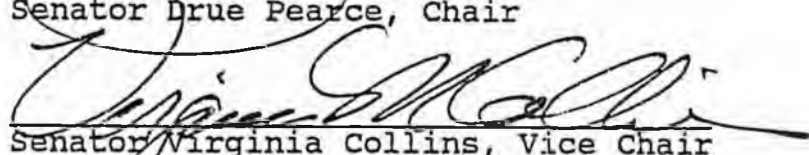
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Alicia L. Musser recently nominated to the Board of Dispensing Opticians. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

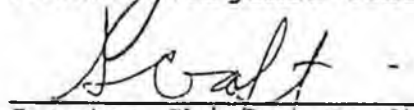
Respectfully,



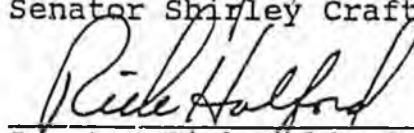
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature



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Senator Virginia Collins, Vice Chair
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President of the Senate
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Juneau, AK 99801-1182

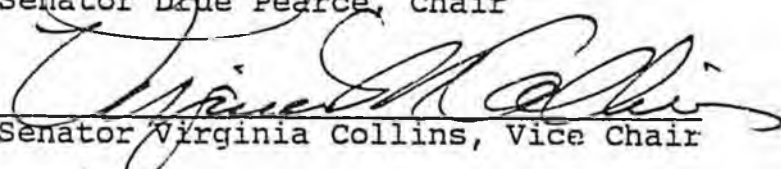
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Aaron H. Downing, P.E. recently nominated to the Board of Electrical Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

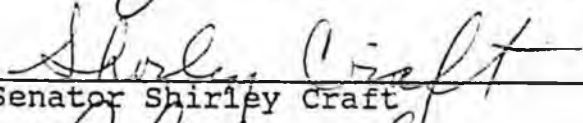
Respectfully,



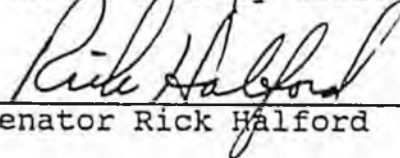
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



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Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Ralph W. Perdue recently nominated to the Board of Electrical Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

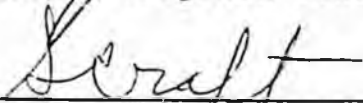
Respectfully,



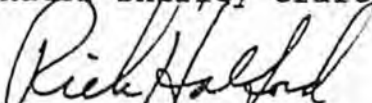
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



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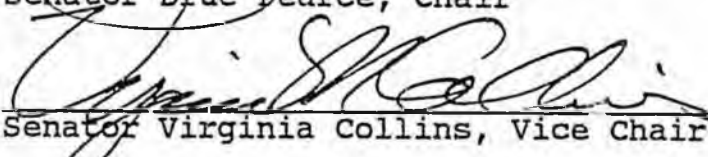
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Steven S. Dobson, OD recently nominated to the Board of Examiners in Optometry. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

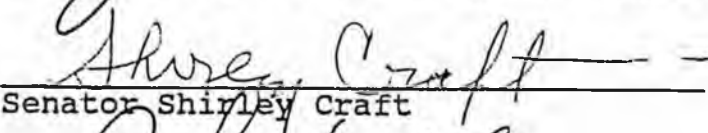
Respectfully,



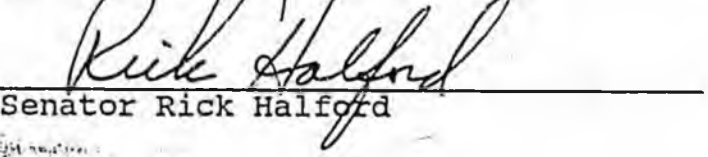
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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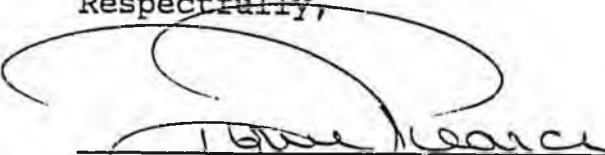
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of James W. Elliott recently nominated to the Alaska Labor Relations Agency. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

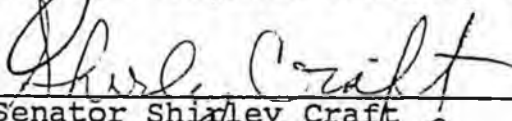
Respectfully,



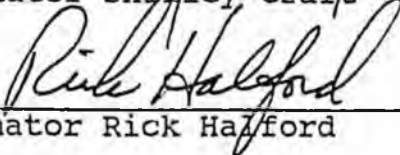
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

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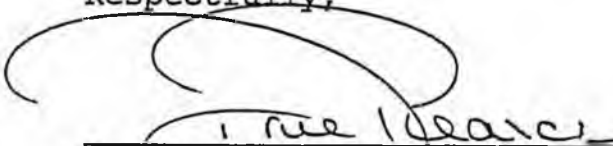
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Juneau, AK 99801-1182

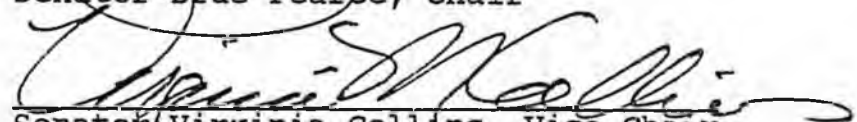
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Robert M. Watt recently nominated to the Board of Marine Pilots. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

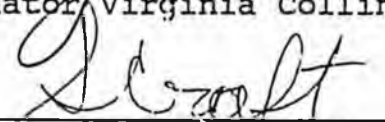
Respectfully,



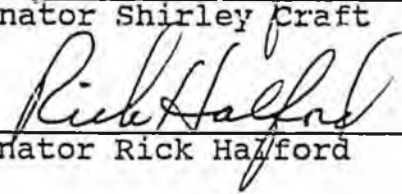
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

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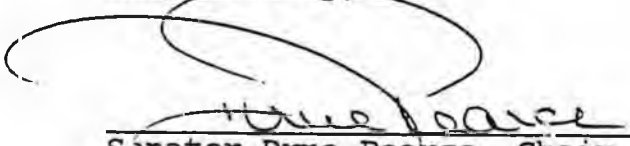
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President of the Senate
State Capitol
Juneau, AK 99801-1182

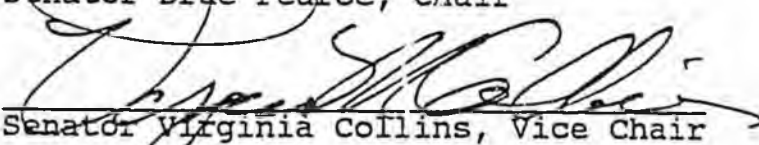
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Dale O. Collins recently nominated to the Board of Marine Pilots. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

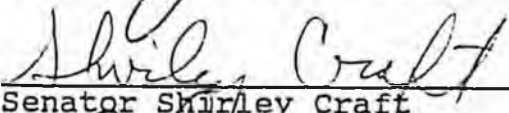
Respectfully,



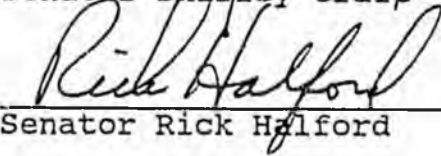
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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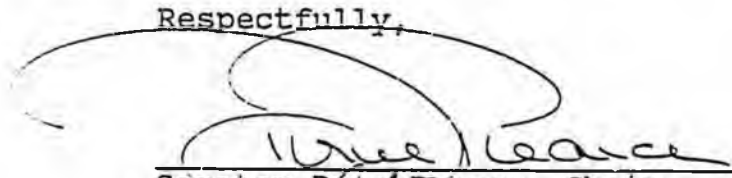
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

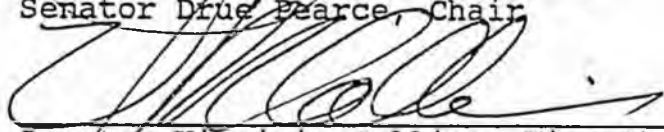
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Keith Greba recently nominated to the Board of Marine Pilots. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

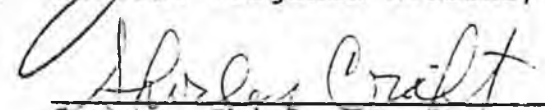
Respectfully,



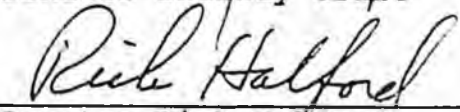
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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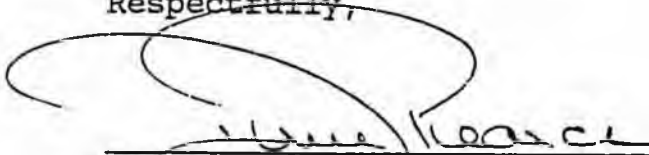
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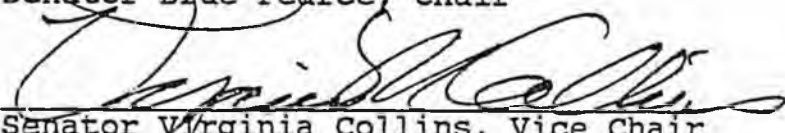
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Douglas A. Doyle recently nominated to the Board of Mechanical Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

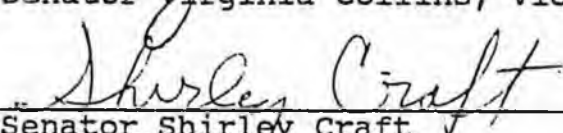
Respectfully,



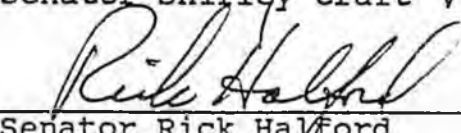
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

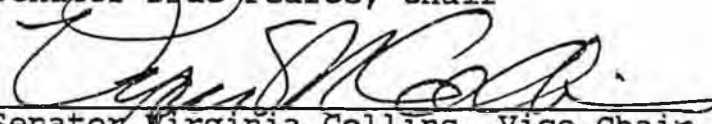
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of John E. Yost recently nominated to the Board of Mechanical Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.


Respectfully,



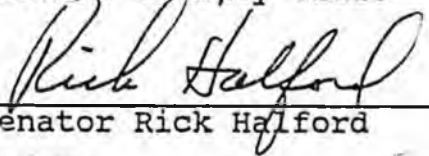
Senator Drue Pearce, Chair



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Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Jack B. Wilbur recently nominated to the Board of Mechanical Examiners. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

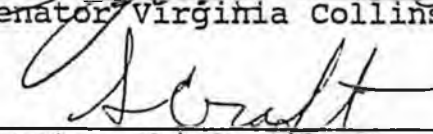
Respectfully,



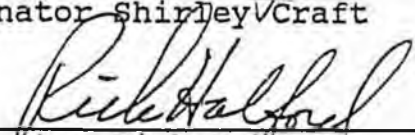
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

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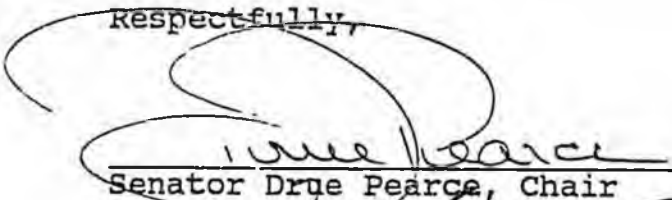
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Betsy B. McCune, RNC, MS recently nominated to the Board of Nursing. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

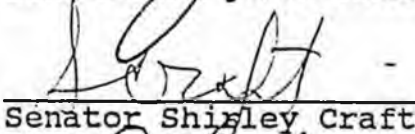
Respectfully,



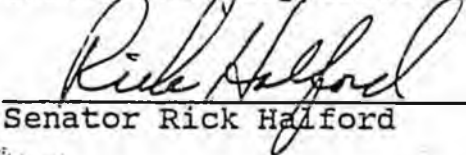
Senator Drue Pearce, Chair



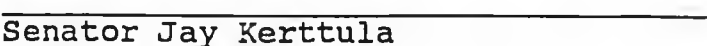
Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford



Senator Jay Kerttula

Alaska State Legislature

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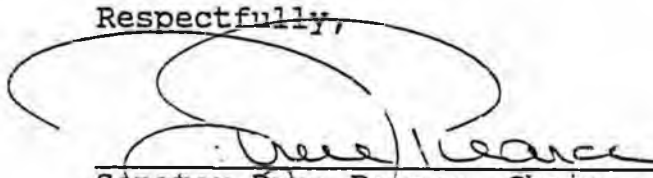
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President of the Senate
State Capitol
Juneau, AK 99801-1182

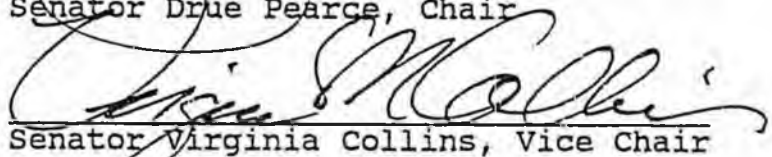
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Susan S. Gass, RN recently nominated to the Board of Nursing. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

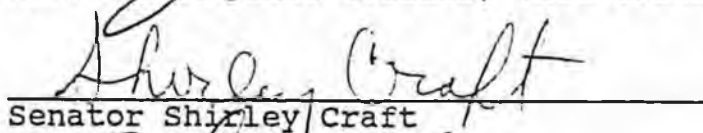
Respectfully,



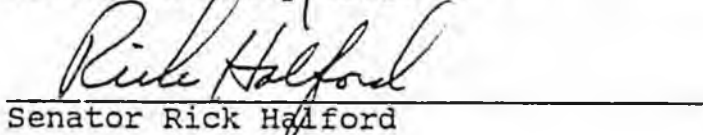
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

Senator Druo Pearce, Chair
Senator Virginia Collins, Vice Chair
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Senator Jay Kerttula



WHILE IN JUNEAU
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JUNEAU, ALASKA 99801-1182
(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

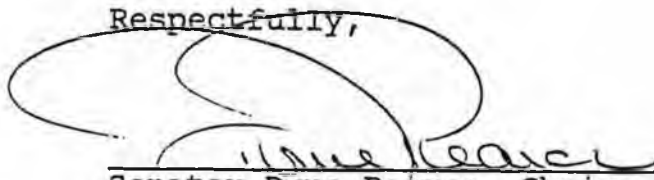
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

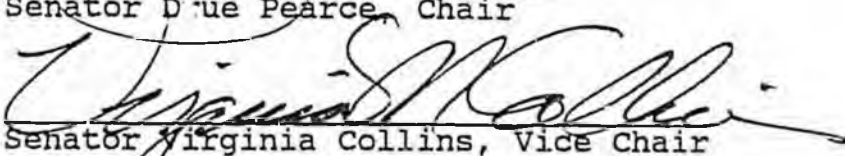
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Kathy S. Lockhart recently nominated to the Bd. of Nursing Home Administrators. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

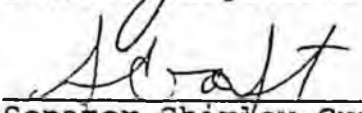
Respectfully,



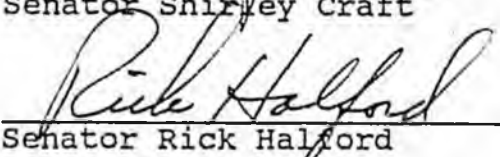
Senator Druo Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature



Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
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SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
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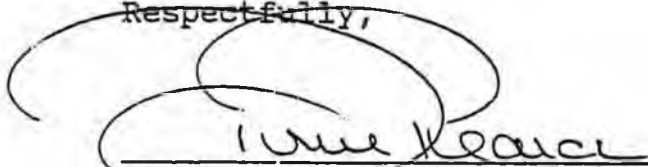
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

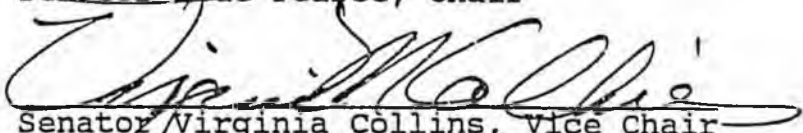
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Gary L. Sheridan recently nominated to the Bd. of Nursing Home Administrators. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

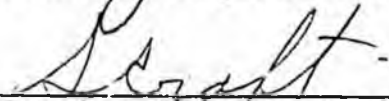
Respectfully,



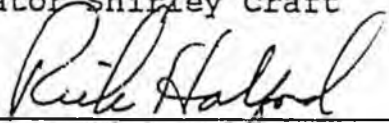
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

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SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
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(907) 561-2038


Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
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Juneau, AK 99801-1182

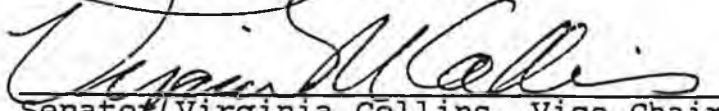
Dear President Eliason:

In accordance with AS 29.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Wayne A. Gregory recently nominated to the Occupational Safety & Health Review Bd. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

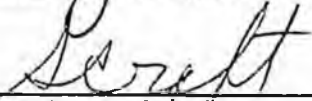
Respectfully,



Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

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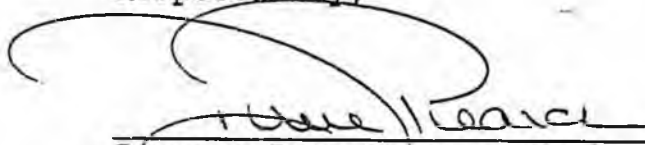
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

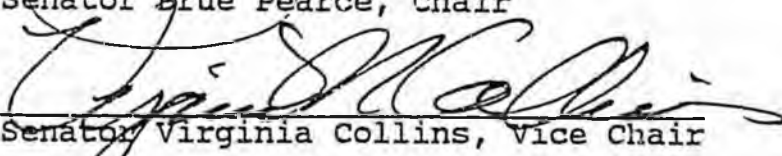
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Bonnie W. Tisler recently nominated to the St. Physical Therapy & Occ. Therapy Bd. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

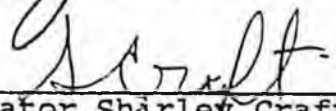
Respectfully,



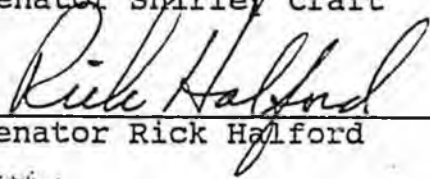
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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ANCHORAGE, ALASKA 99503
(907) 561-2038

Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Bradley L. Shaffer, CPA recently nominated to the Board of Public Accountancy. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

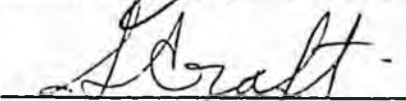
Respectfully,



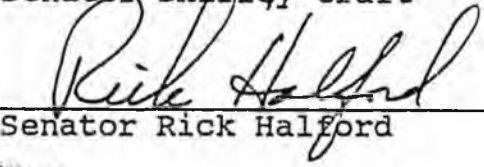
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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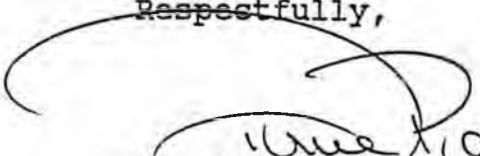
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

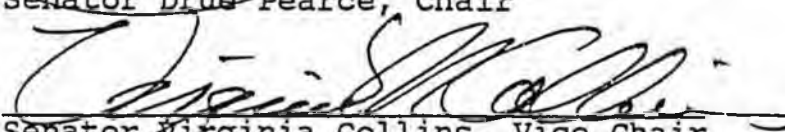
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Joanne Stoots recently nominated to the Board of Public Accountancy. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

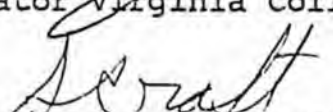
Respectfully,



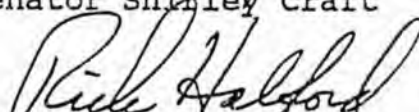
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

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Alaska State Legislature

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Senator Virginia Collins, Vice Chair
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(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038


Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of John C. Swalling, CPA recently nominated to the Board of Public Accountancy. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

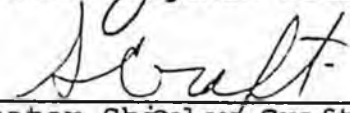
Respectfully,



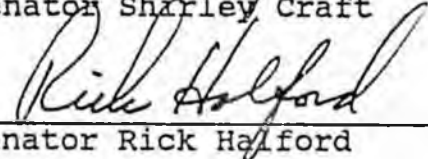
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature



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Senator Virginia Collins, Vice Chair
Senator Shirley Craft
Senator Rick Halford
Senator Jay Kerttula

WHILE IN JUNEAU
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(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Jean B. Schmitt, CPA recently nominated to the Board of Public Accountancy. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

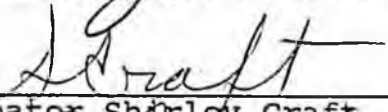
Respectfully,



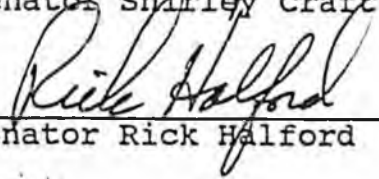
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature



Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
Senator Shirley Craft
Senator Rick Halford
Senator Jay Kerttula

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(907) 465-3344

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

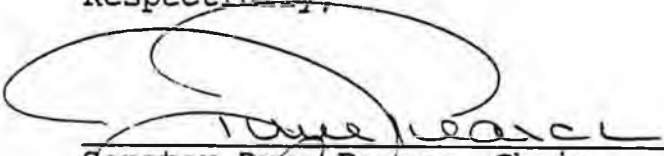
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Bruce J. Ogle, CPA recently nominated to the Board of Public Accountancy. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

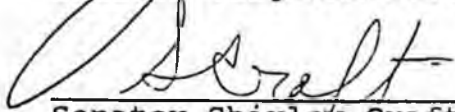
Respectfully,



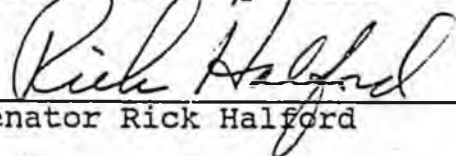
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

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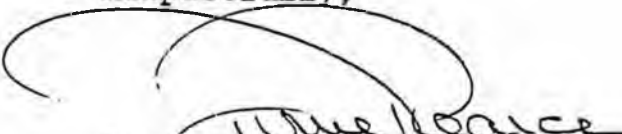
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
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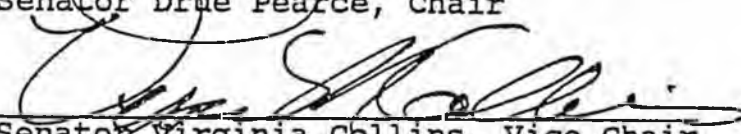
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Elaine Damm recently nominated to the Board of Public Accountancy. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

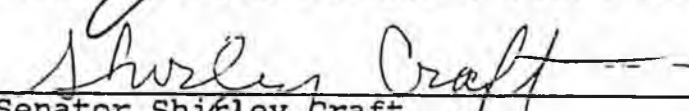
Respectfully,



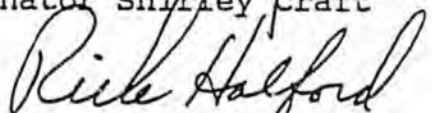
Senator Drue Pearce, Chair



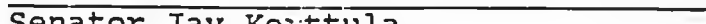
Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford



Senator Jay Kerttula

Alaska State Legislature

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Senator Rick Halford
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3111 C STREET, SUITE 535
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(907) 561-2038

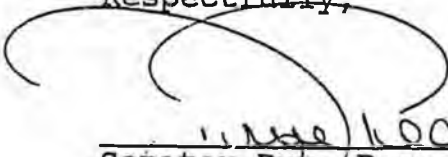
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
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Juneau, AK 99801-1182

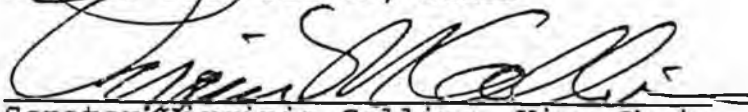
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Terral F. Wanzer recently nominated to the Real Estate Commission. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

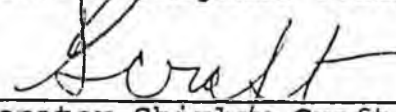
Respectfully,



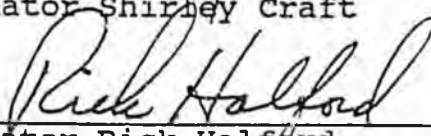
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature



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Senator Virginia Collins, Vice Chair
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Senator Jay Kerttula

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SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
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(907) 561-2038

Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
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Juneau, AK 99801-1182

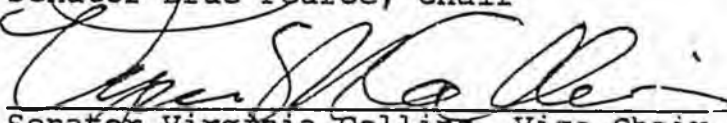
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Terence L. Duszynski recently nominated to the Real Estate Commission. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

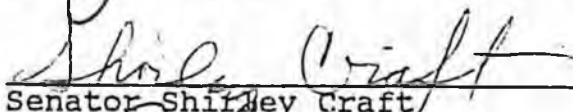
Respectfully,



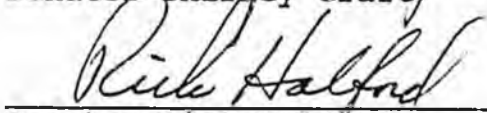
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



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Alaska State Legislature

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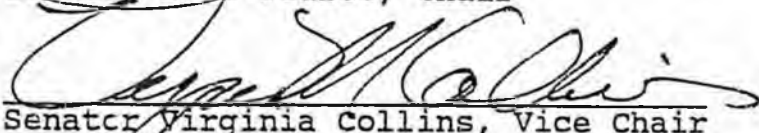
Dear President Eliason:

In accordance with AS 39.05.030, the Senate Labor and Commerce Committee has reviewed the qualifications of Richard A. Fuller recently nominated to the Real Estate Commission. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

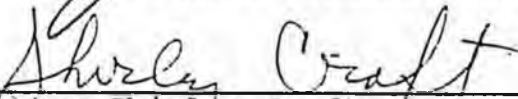
Respectfully,



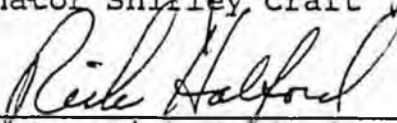
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

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Senator Virginia Collins, Vice Chair
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(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

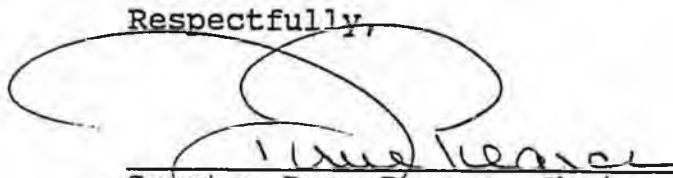
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Ronald J. Johnson recently nominated to the Real Estate Commission. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

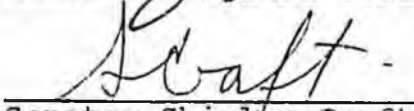
Respectfully,



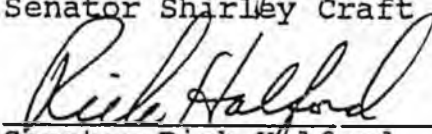
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

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SENATE LABOR AND COMMERCE COMMITTEE

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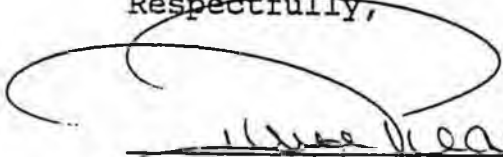
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

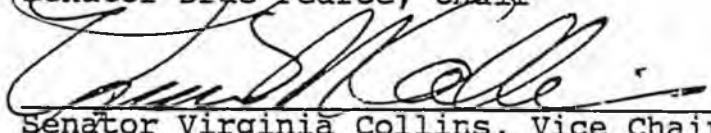
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of John W. Thomas III recently nominated to the Real Estate Commission. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

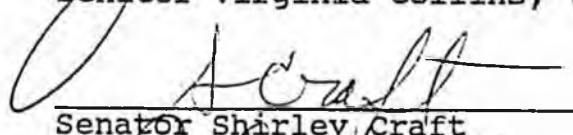
Respectfully,



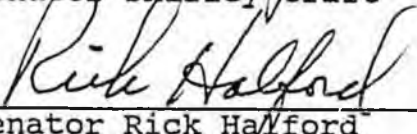
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

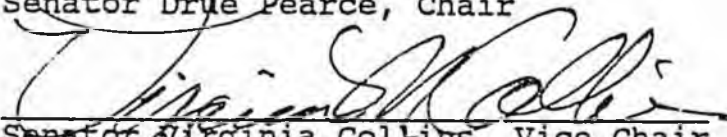
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Alice R. Hartig recently nominated to the Real Estate Commission. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

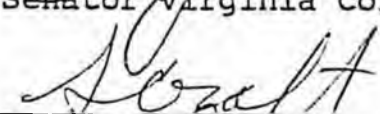
Respectfully,



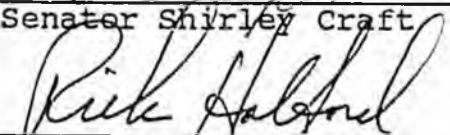
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



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Senator Jay Kerttula

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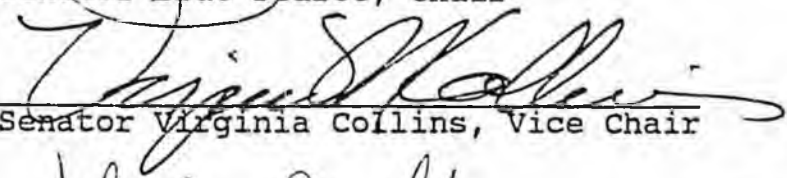
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Noel W. DeVries recently nominated to the State Medical Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

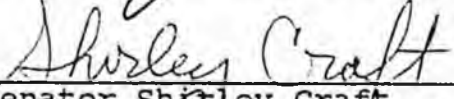
Respectfully,



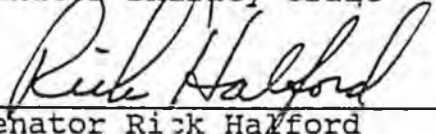
Senator Drue Pearce, Chair



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Senator Shirley Craft



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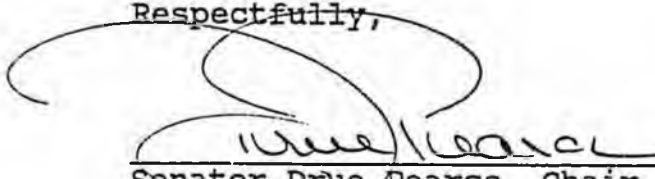
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President of the Senate
State Capitol
Juneau, AK 99801-1182

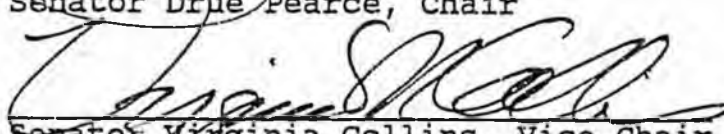
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of David A. McGuire, MD recently nominated to the State Medical Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

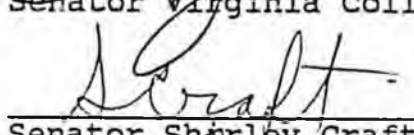
Respectfully,



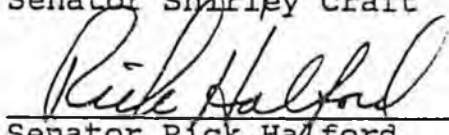
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

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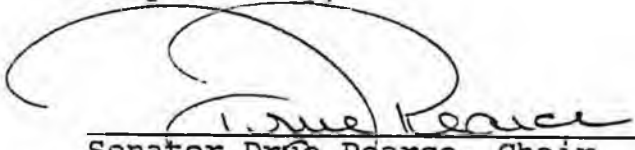
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The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

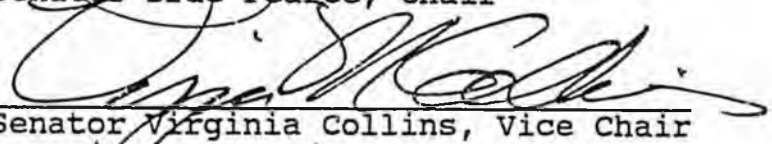
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Edward D. Spencer, MD recently nominated to the State Medical Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

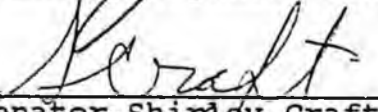
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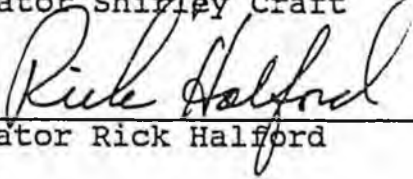
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

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Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

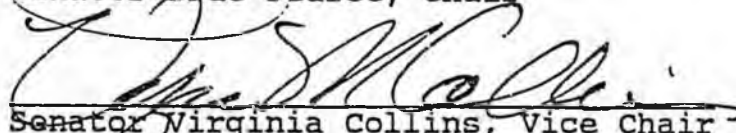
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Joseph D. Riederer, MD recently nominated to the State Medical Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

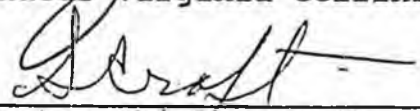
Respectfully,



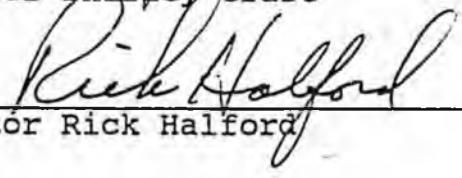
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

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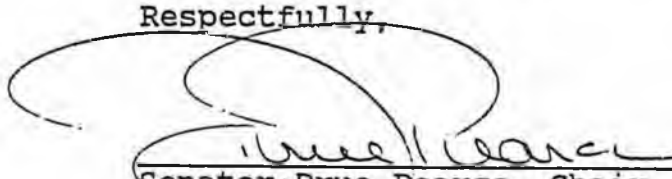
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

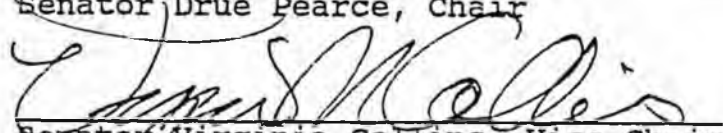
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Steve Hagedorn recently nominated to the AK Workers' Compensation Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

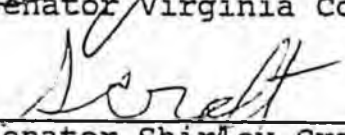
Respectfully,



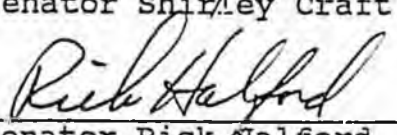
Senator Drue Pearce, Chair



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Senator Shirley Craft



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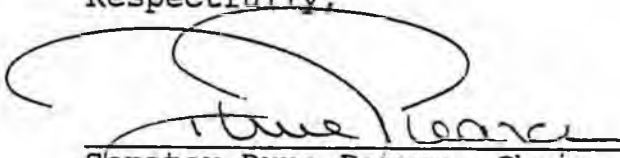
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President of the Senate
State Capitol
Juneau, AK 99801-1182

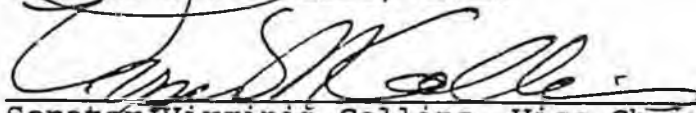
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Jeffery A. Wertz recently nominated to the AK Workers' Compensation Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

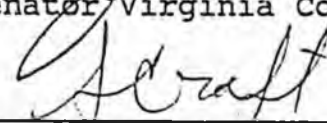
Respectfully,



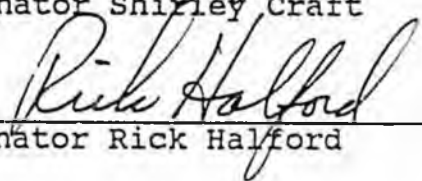
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature



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Senator Virginia Collins, Vice Chair
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ANCHORAGE, ALASKA 99503
(907) 561-2038

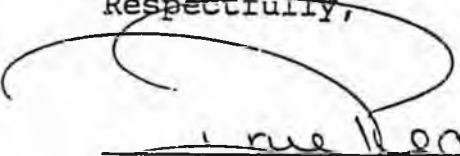
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

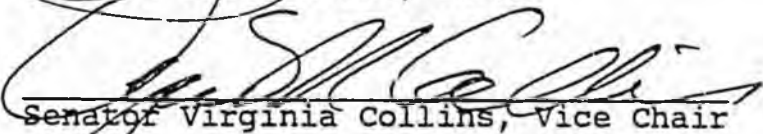
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Stanley P. Thompson, R.P.H. recently nominated to the Board of Pharmacy. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

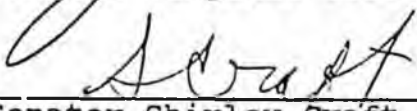
Respectfully,



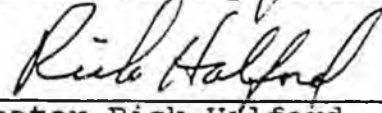
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



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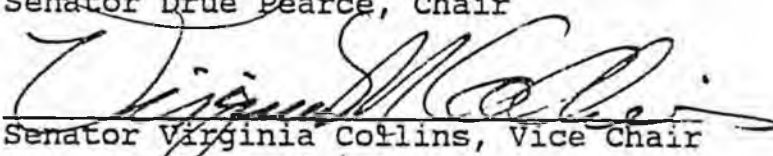
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Robert W. Nestel recently nominated to the AK Workers' Compensation Board. There were no state? objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

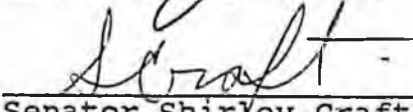
Respectfully,



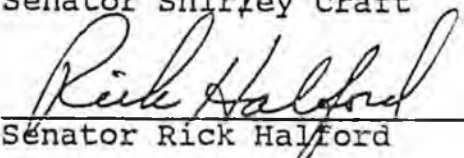
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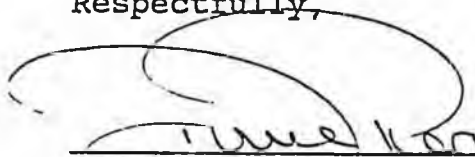
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Michael McKenna recently nominated to the AK Workers' Compensation Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

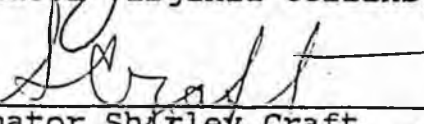
Respectfully,



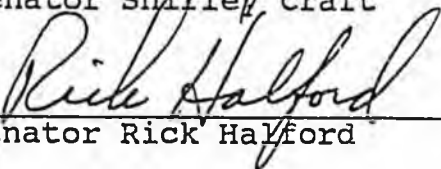
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(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Don Koenigs recently nominated to the AK Workers' Compensation Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

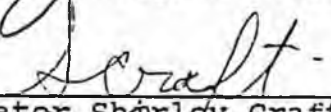
Respectfully,



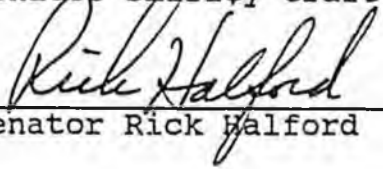
Senator, Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
Senator Shirley Craft
Senator Rick Halford
Senator Jay Kerttula



WHILE IN JUNEAU
ALASKA STATE SENATE
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038


Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182

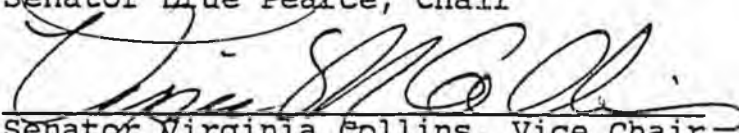
Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Marc D. Stemp recently nominated to the AK Workers' Compensation Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

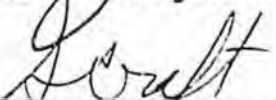
Respectfully,



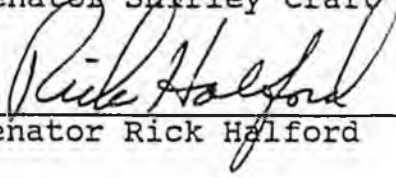
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

Alaska State Legislature

Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
Senator Shirley Craft
Senator Rick Halford
Senator Jay Kerttula



WHILE IN JUNEAU
ALASKA STATE SENATE
STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3844

SENATE LABOR AND COMMERCE COMMITTEE

3111 C STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-2038

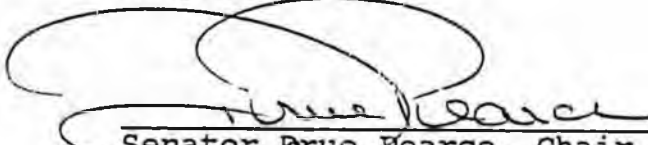
Date: April 27, 1992

The Honorable Richard I. "Dick" Eliason
President of the Senate
State Capitol
Juneau, AK 99801-1182


Dear President Eliason:

In accordance with AS 39.05.080, the Senate Labor and Commerce Committee has reviewed the qualifications of Darrel F. Smith recently nominated to the AK Workers' Compensation Board. There were no stated objections to legislative confirmation by committee members. This does not reflect an intent by any of the members to vote for or against this appointee during further legislative deliberations.

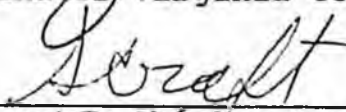
Respectfully,



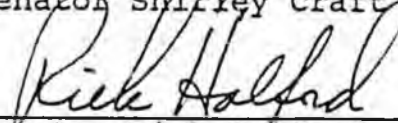
Senator Drue Pearce, Chair



Senator Virginia Collins, Vice Chair



Senator Shirley Craft



Senator Rick Halford

Senator Jay Kerttula

PUBLIC OPINION MESSAGE

DEAR: SENATOR PEARCE

NAME: MICHAEL OLSEN

TITLE:

ADDRESS: 2706 WEST 31ST AVENUE

CITY: ANCHORAGE

ZIP: 99517

PHONE: 248-1515

BILL NO:

SUBJECT: AK POWER AUTHORITY

MESSAGE: THE AEA WITH ITS IMPORTANCE IN ALASKA'S FUTURE IS LUCKY YOU, IN YOUR WISDOM, CHOSE A GREAT MAN LIKE CHARLIE BUSSELL TO HEAD IT UP. HE HAS ALL MY CONFIDENCE, ALONG WITH MANY OTHERS. THANK YOU. /JSM

FOMID: 03111620

DATE: 91/04/22

TIME: 11:16:20

LIO: NAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUENBERG	FRANK
GRUSSENDORF	HANLEY	HALFORD
HUDSON	IVAN	HOFFMAN
JACKO	KOPONEN	JONES
KUBINA	LARSON	KERTTULA
LEMAN	LINCOLN	MENARD
MACKIE	MACLEAN	FOURCHOT
MARTIN	M.A.MILLER	RCDEY
N.W.MILLER	MOYER	SHULTZ
NAVARRE	FARNELL	STURGULEWSKI
G.PHILLIPS	R.PHILLIPS	UEHLING
SHARP	TAYLOR	ZHAROFF
ULMER	ZAWACKI	

PUBLIC OPINION MESSAGE

PUBLIC OPINION MESSAGE

DEAR: SENATOR PEARCE

DEAR: SENATOR PEARCE

NAME: TAMI WHEELER
 TITLE:
 ADDRESS: 1220 REDWOOD COURT
 CITY: ANCHORAGE
 PHONE: 278-3912
 BILL NO: HB 268
 SUBJECT:

ZIP: 99508

MESSAGE: I AM STRONGLY OPPOSED TO HB 268. THIS BILL WILL PAVE THE WAY FOR FURTHER EXPLOITATION OF ALASKAN WOMEN AND JEOPARDIZE THEIR HEALTH AND SAFETY. THIS BILL MUST BE STOPPED. /CMR

POMID: 03100945
 DATE: 91/04/22
 TIME: 10:09:45
 LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUENBERG	FRANK
GRUSSENDORF	HANLEY	HALFORD
HUDSON	IVAN	HOFFMAN
JACKO	KOPONEN	JONES
KUBINA	LARSON	KERTTULA
LEMAN	LINCOLN	MEHARD
MACKIE	MACLEAN	POURCHOT
MARTIN	M.A.MILLER	RODEY
M.W.MILLER	MOYER	SHULTZ
NAVARRE	PARNELL	STURGULEWSKI
G.PHILLIPS	R.PHILLIPS	UEHLING
SHARP	TAYLOR	ZHAROFF
ULNER	ZAWACKI	

NAME: ARTHUR BOLYAN
 TITLE:
 ADDRESS: 1300 SOUTHAMPTON DRIVE
 CITY: ANCHORAGE
 PHONE: 248-0010
 ZIP: 99503

BILL NO:
 SUBJECT: AK ENERGY AUTHORITY
 MESSAGE: IT IS HIGH TIME YOU PUT THE RIGHT MAN AND THE JOB TOGETHER. CHARLIE BUSSELL WILL DO AN OUTSTANDING JOB AS DIRECTOR OF THE AK ENERGY AUTHORITY. /JSII

POMID: 03102813
 DATE: 91/04/22
 TIME: 10:28:13
 LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUENBERG	FRANK
GRUSSENDORF	HANLEY	HALFORD
HUDSON	IVAN	HOFFMAN
JACKO	KOPONEN	JONES
KUBINA	LARSON	KERTTULA
LEMAN	LINCOLN	MEHARD
MACKIE	MACLEAN	POURCHOT
MARTIN	M.A.MILLER	RODEY
M.W.MILLER	MOYER	SHULTZ
NAVARRE	PARNELL	STURGULEWSKI
G.PHILLIPS	R.PHILLIPS	UEHLING
SHARP	TAYLOR	ZHAROFF
ULNER	ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: SENATOR PEARCE

NAME: ROD HART
 TITLE:
 ADDRESS: 3130 WILEY POST AVENUE
 CITY: ANCHORAGE ZIP: 99517
 PHONE: 243-0224

BILL NO:

SUBJECT: AEA NEW DIRECTOR
 MESSAGE: THANK GOODNESS COMMON SENSE PREVAILED. YOUR CHOICE FOR THE NEW DIRECTOR OF AEA, CHARLIE BUSSELL IS AND WILL BE A BREATH OF FRESH AIR FOR ALL ALASKANS. THANK YOU. /CMR

POMID: 03120601
 DATE: 91/04/22
 TIME: 12:06:01
 LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUENBERG	FRANK
GRUSSENDORF	HANLEY	HALFORD
HUDSON	IVAN	HOFFMAN
JACKO	KOPONEN	JONES
KUBINA	LARSON	KERTTULA
LEMAN	LINCOLN	MENARD
MACKIE	MACLEAN	POURCHOT
MARTIN	M.A.MILLER	RODEY
M.W.MILLER	MOYER	SHULTZ
NAVARRÉ	PARNELL	STURGULEWSKI
G.PHILLIPS	R.PHILLIPS	UEHLING
SHARP	TAYLOR	ZHAROFF
ULMER	ZAWACKI	

PUBLIC OPINION MESSAGE

DEAR: SENATOR PEARCE

NAME: JOHN ALFONSI
 TITLE:
 ADDRESS: 2484 OUTSIDE BLVD.
 CITY: NORTH POLE ZIP: 99705
 PHONE: 488-1361

BILL NO:

SUBJECT: PROPOSED EXXON SETTLEMENT
 MESSAGE: NO, NO, NO TO THE EXXON SETTLEMENT. PRIVATE INDIVIDUAL RIGHTS SHOULD BE PROTECTED AS WELL AS SCIENTIFIC INFORMATION MADE PUBLIC. THE SETTLEMENT WAS CONCEIVED IN SECRECY IN SMOKE FILLED ROOMS WITH SUSPECT CHARACTERS OF QUESTIONABLE INTENT. I URGE YOU STRONGLY TO OPPOSE THIS SETTLEMENT.
 EOH/HJO

POMID: 07102257
 DATE: 91/04/22
 TIME: 10:22:57
 LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	DUNCAN
B.DAVIS	C.DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUENBERG	FRANK
GRUSSENDORF	HANLEY	HALFORD
HUDSON	IVAN	HOFFMAN
JACKO	KOPONEN	JONES
KUBINA	LARSON	KERTTULA
LEMAN	LINCOLN	MENARD
MACKIE	MACLEAN	POURCHOT
MARTIN	M.A.MILLER	RODEY
M.W.MILLER	MOYER	SHULTZ
NAVARRÉ	PARNELL	STURGULEWSKI
G.PHILLIPS	R.PHILLIPS	UEHLING
SHARP	TAYLOR	ZHAROFF
ULMER	ZAWACKI	

APR 22 1992

BRISTOL BAY DRIFTNETTERS' ASSOCIATION

3605 Arctic Blvd., Suite 742 Anchorage, Alaska 99503

(907)562-2161, Ext. 742

P.O. Box 20312
Juneau, Alaska 99802
Phone (907) 463-4970
Fax (907) 586-1001

April 21, 1992

The Honorable Drue Pearce
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Confirmation file

Keep for joint hearing.

Dear Senator Pearce:

All Alaskans who have anything to do with fishing — whether it is sport, commercial, or subsistence — have always had a very special regard and concern for the Board of Fisheries. It has been and continues to be a very special institution. Yet the quality of its decisions have been a reflection of the knowledge, attitudes, and inclinations of its members.

Alaskans rightly look to the Board as the final court of appeal on all matters with which it deals. Especially on the issue of allocation between user groups, we look to the Board to provide a "level playing field."

You — the legislature — have vested this body with the authority to make regulations which have the force of law — very important law. With rare exceptions the public has been able to rest in the confidence that the Board would hear our views with fairness and objectivity. One of those rare exceptions occurred in December, 1986. Allegedly brought on by one members flouting of accepted ethical norms, the process did self-destruct and for a time we were without a Board of Fisheries.

You will shortly be voting regarding the confirmation of new nominees for this Board.

This Association (incorporated in Alaska and having a current paid-up membership of approximately 250 fishermen) urges you to support Trefon Angasan and Tom Elias but to deny confirmation to Larry Edfelt.

Since Mr. Edfelt arrived on the scene as the annual round of Board meetings commenced last year, serious problems have again become obvious. Allocations which had been painstakingly negotiated over a period of years were totally upset in what we can only describe as a reckless and cavalier fashion. Many of us who have been long time observers were stunned! Some of the repercussions continued to rattle much of the state for five months and I personally believe we haven't heard the last of them yet!

As some of us continue to observe and analyze, we have been drawn inescapably to the conclusion that we are observing a triumph of successful special interest lobbying on a magnum scale. This special interest (specifically, the Area M fishermen) had apparently

April 21, 1992
Page 2

obtained a commitment from Mr. Edfelt to favor one segment of the industry at the expense of another.

The system simply cannot work when a Board member has apparently taken sides in advance and apparently ignores all arguments and information which conflict with his unflagging commitment to one particular user group. At his confirmation hearing before the House Resource Committee, Larry stated that he had not sought the appointment but that he had been asked to take it. This poses the interesting question of who actually urged his nomination and engineered the appointment. And what unwritten agendas and quid pro quo commitments may surround his unquestionably controversial behavior?

I can offer an analysis of the record in support of our opposition although to do so in this letter is prohibitive because of the extensive volume of the material. I wish time allowed me to pursue this with you personally and in depth. I can say, however, that while Larry's votes have been consistent in favoring the Alaska Peninsula interests at the expense of the resource, his rationale for justifying those votes however has been creative, flexible, and whenever necessary conflicting. These positions are a matter of record. I have listened to that record repeatedly and that is why I am writing to you now.

I've had the privilege of observing the actions of every Board member since we were a territory and never before have I felt so strongly about the importance of denying confirmation to any appointee. Never before have I come to the Legislature with a request of this nature.

Mr. Edfelt is not alone on the Board at this time in behavior which threatens the operation of the system. Unfortunately, the others have already been confirmed. But in Larry's case you have virtually a year's worth of the record from which to judge as you consider casting your vote.

We believe that this confirmation is much more than one region of the state versus another. This is a matter of the formulation of basic precedents and policies which impact the entire state.

We ask you to please give Mr. Edfelt's confirmation your most careful scrutiny and to **JUST SAY NO!**

Thank you for your consideration.

Sincerely,



Dean Paddock, Executive Director
Bristol Bay Driftnetters' Association, Inc.

January 23, 1991

Mr. Hahn,

Sorry it has taken so long to respond to you Sept. 10 inquiry.

The Occupational Safety and Health Review Board has three member.

Donald F. Hoff, Jr.
Lawrence D. Weiss
Jesse C. Wingfield, Chair

term expires 08/01/92
term expires 08/01/93
term expires 11/30/91

I was unable to obtain biographies.



Rod Mourant
Sen. Pearce's Office
465-4993
463-5352 (fax)

F A X T R A N S M I T T A L M E M O
TO: FRITZ HAHN
DEPT: _____ FAX #: 277-7780
FROM: ROD MOURANT PHONE: 465-4993
CO: SEN PEARCE FAX #: 463-5352
Post-It brand fax transmittal memo 7671

NO. OF PAGES
3

BOARD: OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD

BOARD NUMBER: 69

TITLE: Occupational Safety and Health Review Board

DEPT: Department of Labor

AUTHORITY: AS 18.60.057

STATUS: ACTIVE

REQUIREMENTS: LEGISLATIVE CONFIRMATION AND FINANCIAL DISCLOSURE

PROHIBITIONS: State employee or member of board/commission with compensation other than travel/per diem.

TERM: 4 years

DESCRIPTION: 3 members appointed by Governor: 1 labor representative, 1 industry representative (each with adequate experience in field), and 1 public member; Governor designates chair (1 year term).

SPECIAL FACTS: May be removed for inefficiency, neglect of duty, or malfeasance in office; Attorney General is legal counsel.

FUNCTION: Ensures protection of life, health, and safety of employees; hears appeals of citations issued by department.

COMPENSATION: \$50/day plus travel/per diem.

MEETINGS: 2 times per year; 6 days maximum.

*FOR FURTHER INFORMATION CONTACT: Special Assistant to the Commission, Occupational Safety and Health Review Board, Dept. of Labor, P.O. Box 1149, Juneau, AK 99802 PHONE: 465-2709

REVISION DATE: 91/01/22

OCCUPATIONAL SAFETY

MEMBER	APPT	REAPPT	REAPPT	TERM
Donald F Hoff, Jr. 2438 First Avenue Ketchikan 99901 Industry	86/04/01	88/09/02	0/00/00	92/08/01
Lawrence D Weiss UAA, 3211 Providence Drive Anchorage 99508 Public	89/10/20	0/00/00	0/00/00	93/08/01
Jesse C Wingfield 495 Sprucewood Road Fairbanks 99701 Labor Chair	86/08/07	87/10/01	0/00/00	91/08/01
Jesse C Wingfield Chair Term Dates Only/ Governor Designation Chair	89/11/30	90/11/20	0/00/00	91/11/30

Alaska State Legislature

Chairman
(907) 465-4523



Jan Faiks
Post Office Box V
Juneau, Alaska 99811

Senate Judiciary Committee

April 20, 1989

MEMORANDUM

TO: Judiciary Committee Members

FROM: Senator Jan Faiks, Chairman
Senate Judiciary Committee

SUBJECT: Confirmation Hearing - Governor's Appointees

The Judiciary Committee has been referred the following Governor's appointees for action as it deems appropriate:

Board of Governor's - Alaska Bar Association

Harrison, Adonia - Anchorage
Original term began 6/15/84; reappointed 7/1/88;
expires 6/30/91

Public Defender

Salemi, John - appointment for a four year term ending
2/27/93

Violent Crimes Compensation Commission

Eastough, Carol B. - Juneau
Original term began 1/29/81; reappointed 5/13/88;
expires 12/15/89

Elsner, M.D., Elizabeth F. - Ester
Term began 3/10/89; expires 12/15/91

Ingraham, Millard - Anchorage
Original term began 12/16/84; reappointed 5/13/88;
expires 12/15/90

Resumes are attached. If members wish to have a public hearing to question any of these appointees, please advise my office by noon on Friday, April 21.

not needed!

Members

Mike Szymanski, Vice-Chairman • Rick Halford • Drue Pearce • Pat Rodey

Out of Session

3111 C Street, Anchorage, Alaska 99503 • (907) 561-7510

RESUME

ANDONIA HARRISON
6941 FREITAG DRIVE
ANCHORAGE, ALASKA 99516
(907) 345-6900
or
(907) 272-8717

CAREER OBJECTIVE: To obtain a management position in Public Relations/Arbitration/or Personnel Management

WORK EXPERIENCES

August 1981 -December 1982

Office Manager/Comptroller

Harrison Construction Company, 940 East First Avenue, Anchorage, Ak

Prepared income taxes and quarterly reports for taxes. Kept ledgers for account receivables and account payables. Ordered materials for construction sites. Supervised projects on the construction site in the absence of the foreman. Prepared weekly payroll for employees.

November 1971 - April 1981

Public Relation Coordinator

Sunrise Bakery, 2248 Spenard Road, Anchorage, Alaska

Planned tours through-out the bakery for the Anchorage School District, Anchorage Community College, School districts throughout the State of Alaska and other community base groups. Coordinated yearly social activities. Assisted management in making a local television commercial for ITT/Sunrise Bakery Products.

Executive Secretary

Scheduled departmental meetings, took minutes of meetings; made travel arrangements. Screened all incoming calls to manager. Prepared general correspondence. Stastical compilation, typing and reporting. Devised a new alpha filing system. Helped made decisions for ordering new office equipment. Operated telex machine.

Payroll Clerk

Prepared weekly payroll sheets for 82 employees and prepared backup documents for the payroll.

Sales

Took daily orders from vendors throughout the state. Managed the Sunrise Thrift Store and made daily bank deposits.

April 1969 - May 1971

Standard Oil Company of California, 3001 "C" Street, Anchorage, Ak.

Supervisor of the Mailroom

Supervised mail distribution for 120 employees.

Switchboard and Telex Operator

Screened all incoming calls and handle confidential information on the telex machine with our overseas oil drilling projects.

April 1971 - November 1971

Community Action Agency, 505 Barrow Street, Anchorage, Ak

Admin/Asst. to Director of the Head Start Program

Coordinated Parent-Teacher orientation for the Head Start Program. Prepared design and lay-out for monthly newsletter. Organized a volunteer campaign of ten parents to assist teachers. Created a parent-teacher information system for the director. Assisted the director in preparing the budget.

June 1982 - Present

Assistant Campaign Coordinator/Treasurer for a State House Rep.

Recruited campaign workers. Hosted fundraiser events. Helped planned campaign strategies. Researched precinct voting history. Coordinated telephone solicitation. Prepared financial records for APOC (Alaska Public Officers Commission).

Mayor's Social Services Task Force

Screened and evaluated community base proposals for recommendations to the Assembly for social services funding.

EDUCATION

1978 -1980 Attended Anchorage Community College, Anchorage, Alaska, Majored in Business Administration.

1968 -1969 Attended Alaska Business College, Anchorage, Alaska.

1961-1964 Graduated from Nash Central High School, Nashville, North Carolina.

CIVIC AND CHURCH ACTIVITIES

Secretary of the Trustee Board - New Hope Baptist Church
Active Voter Registrar
President of the Anchorage Branch of the National Association
for the Advancement of Colored People

HOBBIES

Interior Decorating, Motor-Crossing, playing pinochle and writing.

REFERENCES

Major Walter Gilmour, Alaska State Troopers, P. O. Box 6188 Annex
Anchorage, Ak 99502

Rep. Walter Furnace, 7221 East 22nd Avenue, Anchorage, Ak 99504,

Atty. Mitchell J. Schapira, Suite 300, 1016 W. 6th Avenue,
Anchorage, Ak 99501

Ms. Loretta Jenkins, Educator, 3801 W. 72nd Court,
Anchorage, Ak 99502

Deputy Chief Edward Rhodes, Municipality of Anchorage,
Police Department, 625 "C" Street
Anchorage, Ak 99501

JOHN B. SALEMI
320 W. Manor
Anchorage, Alaska 99501
(907) 277-6748

EDUCATION: University of San Francisco School of Law, San Francisco, California. J.D., 1977

Western Michigan University, Kalamazoo, Michigan.
B.A., 1973

PROFESSIONAL EMPLOYMENT: Acting Public Defender for State of Alaska. 10/88 - present. Responsible for all administrative, budgetary, and legislative concerns of statewide Public Defender Agency with 12 branch offices.

Staff Attorney, Alaska Public Defender Agency. 6/79 - 9/88. Handled misdemeanor and felony trials, worked in appeals, family law, juvenile law and handled involuntary commitments in the Anchorage office; handled criminal cases in many bush locations; opened Nome Public Defender office and handled entire caseload for Nome and Kotzebue areas; acted as Deputy Public Defender since 1986 responsible for budget preparation, testimony before legislative bodies, preparation of legal commentary on proposed legislation and personnel matters.

Associate Attorney, Carpeneti Law Offices, San Francisco, California. 12/77 - 1/79. Plaintiff personal injury, criminal defense, domestic relations, estate work.

PROFESSIONAL ACTIVITIES: Member, Committee of Bar Examiners, Alaska Bar Association (1987 - 1989)

Member, Ethics Committee, Alaska Bar Association (1984)

BAR MEMBERSHIPS: Alaska Bar Association
California Bar Association
U.S. Supreme Court Bar

BOARDS & COMMISSIONS

FEB 3 1989

CAROL EASTAUGH

Born in Juneau April 21, 1918

Attended University of Washington for two years

Secretarial course at Temple Business School, Washington, D.C.

Married, two children

Member of Northern Light Church

Committees served on:

P.T.A., Girl Scouts, Presbyterian Church and
Sunday School, Friends of the Museum, City
Clean-up, Juneau Garden Club, Chamber of
Commerce

Received Rotary Woman of the Year Award 1972

I have served on Innocent Victims Board since 1981

Curriculum Vitae-----Elizabeth F. Elsner, M.D.

ORDERS & COMMISSIONS

Box 207

date AK 99725
FEB 27 1989

B.A. Mount Holyoke College 1945

M.D. Yale University School of Medicine June 1948

Thesis: "A Study of the Effects of the Localized Application of Methyl Bis (B-chloroethyl) Amine Hydrochloride"

Rotating Internship Knickerbocker Hospital, New York City July 1948 to June 1949

Pediatric Residency, N.Y. Foundling Hospital, N.Y.C. July 1949 to December 1949

Pediatric Residency, Communicable Disease, Willard Parker Hospital, N.Y.C. January 1950 to December 1950

Pediatric Residency, Children's Orthopedic Hospital, Seattle, Wash. January 1951 to December 1951

Pediatrician, Union Bay Child Development Center, Univ. of Wash. School of Medicine, Part-time 1952 to 1953

Pediatrician, Maternal and Child Health, Seattle-King County Dept. of Public Health 1952 and 1957 to 1959

Pediatrics, Private Practice, College, Alaska, and Fairbanks Medical Clinic 1953 to 1956

Pediatric Consultant, Cripple Children's Services (under Children's Bureau) and Pediatrician in Child Health Conferences, Alaska Territorial Dept. of Health, Fairbanks and Northern Region of Alaska 1954 to 1956

Attending Physician, Hospital del Nino, Lima, Peru, Dept. of Pediatrics, University of San Marcos, School of Medicine, 1960

Physician I and II in Maternal and Child Health, San Diego County Dept. of Public Health, San Diego, California January 1962 to November 1968 and September 1970 to June 1973

Coordinator of Public Health Training. Peace Corps Training Program with Univ. of California at San Diego and San Diego Dept. of Public Health. Developed curriculum and faculty as well as instructing. August 29 to November 22, 1966

Honorary Clinical Assistant, Adelaide Children's Hospital, Adelaide, South Australia, Dept. of Pediatrics, University of Adelaide School of Medicine, March to December 1969

Principal Instructor for Development Period and for Phase I of an Intensive Training Program for Itinerant Public Health Nurses Practicing in the State of Alaska to Qualify for certification by the State Board of Nursing as Community Nurse Practitioners (HEW Contract 290-75-0002) October 1973 to June 1976

Instructor in Clinical Medicine in WAMI Program, First year Medical Students; and in Physical Diagnosis for Nurses; at the Univ. of Alaska, Fairbanks, Alaska, September 1974 to present 1 February, 1986

Physician, Center for Health & Counseling, University of Alaska, Fairbanks, Alaska, Part-time September 1973 to 1976. Full time August 1976 to 1 February, 1986.

RESUME'

MILLARD F. INGRAHAM
501 - 11th Avenue
Fairbanks, Alaska 99701
PH: (907)456-2157

PERSONAL:

Born, Enid, Oklahoma, February 20, 1934
Married to Elizabeth S. Ingraham

EDUCATION:

Public Schools, Denver, Colorado
A.B., Columbia University, New York City, 1955
LL.B., University of Colorado, Boulder, 1958

EMPLOYMENT:

1959-1961 - Colorado Interstate Gas Company, Colorado Springs, Colorado
1961-1964 - Robert A. Parrish, Attorney at Law, Fairbanks, Alaska
1964-1965 - Yeager & Ingraham, Fairbanks, Alaska
1965-1974 - Ingraham & Niewhoner, Fairbanks, Alaska
1974-1980 - Rice, Hoppner, Ingraham & Brown, Fairbanks, Alaska
1980-1983 - Law Office of Millard F. Ingraham, Fairbanks, Alaska

MILITARY SERVICE:

U.S. Army, Enlisted, 1958-1964; active duty September, 1958 - April, 1959;
Honorable Discharge

PUBLISHED PAPERS:

The Meaning of "And Other Minerals", Rocky Mountain L.Rev., 1958
Damages for Wrongful Death in Alaska, Alaska L.J., 1968
Recovery for Damage to Personal Property, Alaska L.J., 1970
Appealability of Remand Orders, Alaska Bar Rag, 1982

APPELLATE EXPERIENCE:

Written the briefs and counsel of record in 45 appeals to the Supreme Court of the State of Alaska.

Written the briefs only in 8 other appeals to the Supreme Court of the State of Alaska when employed by Robert A. Parrish

Resume' of Millard F. Ingraham
(Appellate Experience cont.)

Of the appeals where counsel of record:

- a) 10 have been on behalf of plaintiff in a personal injury or wrongful death case;
- b) Two on behalf of defendant in a personal injury or wrongful death case;
- c) Five on behalf of worker's compensation claimants;
- d) Five on behalf of a party to a construction contract dispute;
- e) Five on behalf of the accused in a criminal proceeding; and
- f) The remainder on behalf of parties in miscellaneous civil litigation.

MARTINDALE-HUBBELL RATING:

av (Highest possible rating by the leading law directory)

PROFESSIONAL:

Rocky Mountain Law Review, 1956-1958, Comment Editor (1957-58)
Admitted to: Supreme Court of Colorado, 1958
Supreme Court of Alaska, 1962
U.S. District Court for the District of Alaska, 1962
U.S. Court of Appeals, Ninth Circuit, 1968
Alaska Bar Association, Board of Governors, 1969-1972; President (1970-71)
Sustaining Member, Association of Trial Lawyers of America
Alaska Academy of Trial Lawyers
American Arbitration Association

POLITICAL:

Democrat - Attended Democratic State Convention in Nome in 1962 and have been a delegate to nearly ever Democratic State Convention since that time.

Member, Central District Democratic Committee, until abolished by re-districting in 1981.

Member, District 19 Democratic Committee, since redistricting.

Democratic Precinct Chairman, Steese East Precinct.