

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 815



Official Business

# Alaska State Legislature

SENATE

2/22/91  
Delivered to  
Co-chairs  
w/ forms  
Confirmation  
Letter.

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

February 22, 1991

## MEMORANDUM

TO: Senator Pourchot, Co-Chair  
Senator Kerttula, Co-Chair  
Finance 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 position noted to your committee for a hearing, recommendation and report:

DEPARTMENT OF REVENUE  
Commissioner Lee Fisher

w/attached resume

## RESUME

**LEE E. FISHER, C.P.A.**

### PERSONAL

Born May 6, 1927 in Spokane, Washington. Married June 20, 1949 to Arlene Mae Hoersch - divorced - one child Rodrick Gail. Married July 20, 1956 to Phyllis Diane Harrington (Sexson) - a widow with one son - Scott Richard Sexson. Two children - Todd Elliott and Lora Diane. Six grandchildren - (5 in Alaska).

1944 - 1946 - Served in U.S. Navy Aircorps as a combat aircrewman.

Member - All Saints' Episcopal Church.

Republican

Member - Woodhaven Country Club, Palm Desert, California.

Hobbies - Sports fishing, golf and singing in choral groups.

### EDUCATION

M.A. with Honors - 1949 - Kinman Business University  
B.C.S. - 1951 - Kinman Business University, Spokane, Washington.

Post graduate work in taxation - New York University.  
Instructor and participant in numerous Coopers & Lybrand technical and managerial seminars during 1975 - 1988.

### EMPLOYMENT

1975 - 1988 - Managing partner, Coopers & Lybrand, Anchorage, Alaska.

1964 - 1974 - Managing partner, Fisher, Vasak & Hendrix and related predecessor partnerships, Anchorage, Alaska.

1961 - 1963 - Associate - R. William Lovern, CPA, Anchorage, Alaska.

1958 - 1961 - Senior Accountant - Rettig, Scott & Co. CPA's Anchorage, Alaska.

1956 - 1957 - Controller - Pigeon Hole Parking, Inc. - Spokane, Washington.

1949 - 1955 - Junior to Senior Accountant - Morris, Lee & Co. CPA's, Spokane, Washington.

## PROFESSIONAL

Member - American Institute of CPA's

Member - Alaska Society of CPA's

## COMMUNITY/STATE SERVICE

Past President and Founder

\*Crime Stoppers of Anchorage

\*Resource Development Council for Alaska

\*People Against State Income Tax

Past President and Director

\*Anchorage Chamber of Commerce (1982 Gold Pan Winner)

\*United Way of Anchorage

Former Director

\*Alaska Mutual Bank (25 years)

\*Boys' Club of Alaska

\*American Bald Eagle Foundation

\*Common Sense for Alaska

1978 - 1989 - State Chairman, Guardian Advisory Council, National Federation of Independent Business. Alaska delegate - 1986 White House Conference on Small Business

October 1988 - State Chairman - Alaska Exhibit - EXPO 88, Brisbane, Australia.

Member - Rotary Club of Anchorage.

## RESUME

**LEE E. FISHER, C.P.A.**

### PERSONAL

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1964 - 1974 - Managing partner, Fisher, Vasak & Hendrix and related predecessor partnerships, Anchorage, Alaska.

1961 - 1963 - Associate - R. William Lovern, CPA, Anchorage, Alaska.

1958 - 1961 - Senior Accountant - Rettig, Scott & Co. CPA's Anchorage, Alaska.

1956 - 1957 - Controller - Pigeon Hole Parking, Inc. - Spokane, Washington.

1949 - 1955 - Junior to Senior Accountant - Morris, Lee & Co. CPA's, Spokane, Washington.

RESUME

**PROFESSIONAL**

Member - American Institute of CPA's  
Member - Alaska Society of CPA's

**COMMUNITY/STATE SERVICE**

Past President and Founder

- \*Crime Stoppers of Anchorage
- \*Resource Development Council for Alaska
- \*People Against State Income Tax

Past President and Director

- \*Anchorage Chamber of Commerce (1982 Gold Pan Winner)
- \*United Way of Anchorage

Former Director

- \*Alaska Mutual Bank (25 years)
- \*Boys' Club of Alaska
- \*American Bald Eagle Foundation
- \*Common Sense for Alaska

1978 - 1989 - State Chairman, Guardian Advisory Council, National Federation of Independent Business. Alaska delegate - 1986 White House Conference on Small Business

October 1988 - State Chairman - Alaska Exhibit - EXPO 88, Brisbane, Australia.

Member - Rotary Club of Anchorage.



THE FOLLOWING SUMMARY MUST BE COMPLETED BY ALL FILERS  
DO NOT COMPLETE THIS SUMMARY PAGE UNTIL YOU HAVE  
ALL COMPLETED SCHEDULES.

**SUMMARY OF SCHEDULES**

Check one box for each schedule:

	SCHEDULE COMPLETED AND ATTACHED	NO REPORTABLE INTERESTS SCHEDULE LEFT BLANK
<b>SCHEDULE A      SOURCES OF INCOME</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SCHEDULE B      BUSINESS AND REAL PROPERTY INTERESTS</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SCHEDULE C      BENEFICIAL INTERESTS, LOANS, GOVERNMENTAL CONTRACTS AND NATURAL RESOURCE LEASES</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**CERTIFICATION**

I, the undersigned, certify under penalty of perjury that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

*[Handwritten Signature]*  
SIGNATURE

April 8, 1991  
DATE

**STATE OFFICIALS** send statement to:

AK PUBLIC OFFICES COMMISSION OR  
2221 E. NORTHERN LIGHTS, #123  
ANCHORAGE, AK 99508  
(907) 276-4173  
FAX (907) 276-7018

AK PUBLIC OFFICES COMMISSION  
JUNEAU BRANCH OFFICE  
BOX CO, 112 4th ST. #114  
JUNEAU, AK 99811-0222  
(907) 455-4864

**MUNICIPAL OFFICIALS** send  
statement to:

YOUR LOCAL CITY OR BOROUGH  
CLERK'S OFFICE

NAME Lee E. Fisher

**SCHEDULE A**  
**SOURCES OF INCOME**  
(ACTUAL MONETARY AMOUNTS NOT REQUIRED)

**SALARIED EMPLOYMENT**

NAME OF OFFICIAL, SPOUSE  
OR CHILD:

EMPLOYER:

Lee E. Fisher

State of Alaska

**SELF EMPLOYMENT**

Includes: (1) sole proprietorships; (2) all partnerships; (3) all professional corporations; and (4) corporations in which a controlling interest is held. If you checked nonretail, you MUST list all clients or customers by name.

BUSINESS NAME, TYPE  
AND ADDRESS:

NAMES OF CLIENTS OR CUSTOMERS:

1. Alaska Wild Game Cookbook  
(a partnership)  
2905 East 20th Ave.  
Anchorage, Ak. 99508

Retail - general public  
Wholesale - predominately to  
Alaska News Agency

RETAIL XX and  
NONRETAIL XX

2.

RETAIL     NONRETAIL    

3.

RETAIL     NONRETAIL    

(CONTINUE ANY SECTION ON BLANK PAPER)

APR 11 1991

SCHEDULE A CONTINUED

RENTAL INCOME

Includes all income over \$100 received from real property rentals.  
You must list managing agent (if any) and all tenants by name.

OWNER:

none

TENANTS:

DIVIDENDS AND INTEREST

RECIPIENT:

Lee E. & Phyllis D. Fisher  
Lee E. & Phyllis D. Fisher  
Lee E. & Phyllis D. Fisher  
Phyllis D. Fisher  
Lee E. & Phyllis D. Fisher  
Lee E. & Phyllis D. Fisher

SOURCE:

Anchorage Municipal Bond due 1995  
Anchorage Municipal Bond due 1999  
Anchorage Hospital Bond due 1996  
Falconer & Falconer installment contract  
Dean Witter Reynolds cash mgmt. account  
Allstate Prime Income Trust

OTHER INCOME

(Includes gifts, honoraria, capital gains, retirement, campaign funds taken as personal income  
and other income over \$100.)

RECIPIENT:

Lee E. Fisher, CPA  
Lee E. Fisher, CPA  
Lee E. Fisher, CPA

SOURCE AND TYPE OF INCOME:

Coopers & Lybrand, Retirement  
Coopers & Lybrand, Growth Fund-investment ac  
Coopers & Lybrand, Deferral Fund investment a

(CONTINUE ANY SECTION ON BLANK PAPER)

NAME Lee E. Fisher

**SCHEDULE B**  
**BUSINESS AND REAL PROPERTY INTERESTS**

**BUSINESS INTERESTS**

*Includes all interests even if they were not a source of income. List ownership interests as stockholder, director, officer, partner or employee.*

Lee E. Fisher

Name of official, spouse or children

Coopers & Lybrand Growth Fund

New York, N.Y.

Name of Business

Address

Partner

Nature of Interest

Investments

General description of business activity

Lee E. Fisher

Name of official, spouse or children

Coopers & Lybrand, Deferral Fund

New York, N.Y.

Name of Business

Address

PARTNER

Nature of Interest

Investments

General description of business activity

Lee E. and Phyllis D. Fisher

Name of official, spouse or children

Alaska Wild Game Cookbook

2905 E. 20th. Ave.

Anchorage, Ak, 99508

Name of Business

Address

Partners

Nature of Interest

Retail & wholesale sales of Cook Book (since 1961)

General description of business activity

(CONTINUE ANY SECTION ON BLANK PAPER)

SCHEDULE B CONTINUED

REAL PROPERTY INTERESTS

MUST include a street address or a legal description.  
Do not include property held through limited partnerships.  
List limited partnerships on page 5.

---

Lee E. and Phyllis D. Fisher  
Name of official, spouse or children

---

Lots 1, 2 & 4, Block 5, West Alexander Creek Subdivision  
Street address or legal description

---

Ownership  
Nature of interest (for example, option to buy, ownership, leasehold)

---

vacant  
Current use (for example, vacant, residence, recreational)

---

---

Name of official, spouse or children

---

Street address or legal description

---

Nature of interest (for example, option to buy, ownership, leasehold)

---

Current use (for example, vacant, residence, recreational)

---

---

Name of official, spouse or children

---

Street address or legal description

---

Nature of interest (for example, option to buy, ownership, leasehold)

---

Current use (for example, vacant, residence, recreational)

---

(CONTINUE ANY SECTION ON BLANK PAPER)

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

SCHEDULE B CONTINUED

REAL PROPERTY INTERESTS

MUST include a street address or a legal description.  
Do not include property held through limited partnerships.  
List limited partnerships on page 5.

---

Lee E. and Phyllis D. Fisher  
Name of official, spouse or children

---

Lots 1, 2 & 4, Block 5, West Alexander Creek Subdivision  
Street address or legal description

---

Ownership  
Nature of interest (for example, option to buy, ownership, leasehold)

---

vacant  
Current use (for example, vacant, residence, recreational)

---

---

Name of official, spouse or children

---

Street address or legal description

---

Nature of interest (for example, option to buy, ownership, leasehold)

---

Current use (for example, vacant, residence, recreational)

---

---

Name of official, spouse or children

---

Street address or legal description

---

Nature of interest (for example, option to buy, ownership, leasehold)

---

Current use (for example, vacant, residence, recreational)

---

(CONTINUE ANY SECTION ON BLANK PAPER)

APR 11 1995

NAME Lee E. Fisher

**SCHEDULE B**  
**BUSINESS AND REAL PROPERTY INTERESTS**

**BUSINESS INTERESTS**

*Includes all interests even if they were not a source of income. List ownership interests as stockholder, director, officer, partner or employee.*

Lee E. Fisher

Name of official, spouse or children

Coopers & Lybrand Growth Fund

New York, N.Y.

Name of Business

Address

Partner

Nature of Interest

Investments

General description of business activity

Lee E. Fisher

Name of official, spouse or children

Coopers & Lybrand, Deferral Fund

New York, N.Y.

Name of Business

Address

PARTNER

Nature of Interest

Investments

General description of business activity

Lee E. and Phyllis D. Fisher

Name of official, spouse or children

Alaska Wild Game Cookbook

2905 E. 20th. Ave.

Anchorage, Ak, 99508

Name of Business

Address

Partners

Nature of Interest

Retail & wholesale sales of Cook Book (since 1961)

General description of business activity

(CONTINUE ANY SECTION ON BLANK PAPER)

NAME Lee E. Fisher

**SCHEDULE B**  
**BUSINESS AND REAL PROPERTY INTERESTS**

**BUSINESS INTERESTS**

*Includes all interests even if they were not a source of income.* List ownership interests as stockholder, director, officer, partner or employee.

---

Phyllis D. Fisher and Amy Springer 2905 E. 20th Ave.  
Anchorage, Ak. 99508  
Name of official, spouse or children

A&P Land Co. (partners) " " "  
Name of Business Address

Investment in 20 acres un subdivided land st Homer, Ak.  
Nature of Interest

Investment  
General description of business activity

---

Name of official, spouse or children

Name of Business Address

Nature of Interest

General description of business activity

---

Name of official, spouse or children

Name of Business Address

Nature of Interest

General description of business activity

---

(CONTINUE ANY SECTION ON BLANK PAPER)



SCHEDULE B CONTINUED

REAL PROPERTY INTERESTS

**MUST** include a street address or a legal description.  
Do not include property held through limited partnerships.  
List limited partnerships on page 5.

---

Lee E. & Phyllis D. Fisher  
Name of official, spouse or children

---

2905 E. 20th Ave., Anchorage, Ak. 99503  
Street address or legal description

---

Ownership  
Nature of interest (for example, option to buy, ownership, leasehold)

---

Personal residence  
Current use (for example, vacant, residence, recreational)

---

---

Lee E. & Phyllis D. Fisher  
Name of official, spouse or children

---

Lot C-27, Kenai Riverband Campground, Kenai, Ak.  
Street address or legal description

---

Leasehold  
Nature of interest (for example, option to buy, ownership, leasehold)

---

Recreational  
Current use (for example, vacant, residence, recreational)

---

---

Lee E. & Phyllis D. Fisher  
Name of official, spouse or children

---

77-722 Woodhaven Drive So., Palm Desert, CA. 92260  
Street address or legal description

---

Ownership  
Nature of interest (for example, option to buy, ownership, leasehold)

---

Vacation condominium  
Current use (for example, vacant, residence, recreational)

---

ALASKA PUBLIC OFFICES COMMISSION

1990 CONFLICT OF INTEREST STATEMENT

JAN 1990

*[Handwritten initials]*

273  
*[Handwritten circle]*

1124

IMPORTANT  
INFORMATION ABOUT HOW TO COMPLETE THIS REPORT

1. This report is for the preceding calendar year, so include only information about financial interests held during January - December 1989.
2. You must show both your own financial interests and the interests held by your spouse, dependent children and nondependent children residing with you during the preceding calendar year.
3. This statement is required under AS 39.50, so it is important that it be accurate.
4. If you have any questions or need help completing the form, refer to the instruction manual. If you still need help, call APOC at 276-4176.

BACKGROUND INFORMATION:

272-1522 - Anchorage Business  
279-3703 - Anchorage home  
(907) 465-2300 - Juneau Business

Lee E. Fisher

NAME

DAY PHONE NUMBER

Commissioner of Revenue

OCCUPATION

2905 E, 20th Ave., Anchorage, AK 99508

MAILING ADDRESS

OFFICE SOUGHT OR HELD (CHECK ONE):

STATE

MUNICIPAL

OFFICE: Alaska Department of Revenue

TITLE: Commissioner

TERM OF OFFICE: from 12/21/90 to 12/94

TYPE OF STATEMENT (CHECK ONE):

CANDIDATE STATEMENT

Must be filed no later than the final filing date for your declaration of candidacy.

INITIAL STATEMENT

For newly appointed state and municipal officials.

ANNUAL STATEMENT

Must be filed by April 15.

FAMILY MEMBER INFORMATION (list names):

Spouse: Phyllis D. Dependent Children: None

Nondependent children, living with reporting official: None

*p.c*

APOC-1990

THE FOLLOWING SUMMARY MUST BE COMPLETED BY ALL FILERS  
DO NOT COMPLETE THIS SUMMARY PAGE UNTIL YOU HAVE  
COMPLETED ALL SCHEDULES.

### SUMMARY OF SCHEDULES

Check one box for each schedule:

	SCHEDULE COMPLETED AND ATTACHED	NO REPORTABLE INTERESTS— SCHEDULE LEFT BLANK
<b>SCHEDULE A      SOURCES OF INCOME</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

---

<b>SCHEDULE B      BUSINESS AND REAL PROPERTY INTERESTS</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<b>SCHEDULE C      BENEFICIAL INTERESTS, LOANS, GOVERNMENTAL CONTRACTS AND NATURAL RESOURCE LEASES</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	-------------------------------------	--------------------------

### CERTIFICATION

I, the undersigned, certify under penalty of perjury that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury. -

*[Signature]*  
SIGNATURE

*January 23, 1991*  
DATE

Forward Statements as follows:

#### STATE OFFICIALS

STATE OF ALASKA  
PUBLIC OFFICES COMMISSION  
2221 E. NORTHERN LIGHTS, #128  
ANCHORAGE, AK 99508  
Telephone (907) 276-4176  
FAX (907) 276-7018

STATE OF ALASKA  
PUBLIC OFFICES COMMISSION  
P.O. BOX CO  
JUNEAU, AK 99811  
Telephone (907) 465-4864

#### MUNICIPAL OFFICIALS

THE LOCAL CITY OR BOROUGH CLERK  
IN THE JURISDICTION IN WHICH  
YOU HOLD OFFICE.

NAME Lee E. Fisher

**SCHEDULE A**  
**SOURCES OF INCOME OVER \$100**  
(ACTUAL MONETARY AMOUNTS NOT REQUIRED)

**SALARIED EMPLOYMENT**

NAME OF OFFICIAL, SPOUSE  
OR CHILD:

EMPLOYER:

None

**SELF EMPLOYMENT**

Includes: (1) sole proprietorships; (2) all partnerships; (3) all professional corporations; and (4) corporations in which a controlling interest is held. If you check nonretail, you MUST list all clients or customers by name.

BUSINESS NAME, TYPE  
AND ADDRESS:

NAMES OF CLIENTS OR CUSTOMERS:

1. Alaska Wildgame Cookbook  
A partnership  
2905 E. 20th Avenue  
Anchorage, AK 99508

Retail - general public  
Wholesale - predominately Alaska  
News Agency

RETAIL  NONRETAIL  <sup>and</sup>

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RETAIL \_\_\_\_\_ NONRETAIL \_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RETAIL \_\_\_\_\_ NONRETAIL \_\_\_\_\_

(CONTINUE ANY SECTION ON BLANK PAPER)

SCHEDULE A CONTINUED

RENTAL INCOME

Includes all income over \$100 derived from real property rentals.  
List managing agent (if any) and all tenants by name.

OWNER:

None

TENANTS:

DIVIDENDS AND INTEREST

RECIPIENT:

Lee E. & Phyllis D. Fisher

" " "

" " "

Phyllis D. Fisher

Lee E. & Phyllis D. Fisher

SOURCE:

Anchorage Municipal Bond - due 1995

" " " " 1999

Anchorage Hospital Bond - due 1996

Falconer & Falconer - installment sale  
Dean, Witter, Reynolds - cash mgmt acct.

OTHER INCOME

Includes gifts, honoraria, income from the sale of real property, retirement, campaign funds taken as personal income, social security and other income over \$100.

RECIPIENT:

Lee E. Fisher, CPA

Lee E. Fisher

Lee E. Fisher

Lee E. Fisher

SOURCE AND TYPE OF INCOME:

Coopers & Lybrand, CPA's - Retirement

Coopers & Lybrand, Growth Fund <sup>Investmen</sup>-acct.

Coopers & Lybrand, Defferal fund <sup>Investment</sup>Income

Social Security - Retirement

(CONTINUE ANY SECTION ON BLANK PAPER)



SCHEDULE B CONTINUED

REAL PROPERTY INTERESTS

MUST include a street address or actual legal description.  
Does not include property held through limited partnerships.  
List limited partnerships on page 7.

---

Name of official, spouse or children

Lee E. & Phyllis D. Fisher

---

Street address or legal description

2905 E. 20th Avenue, Anchorage, AK 99508

---

Nature of interest (for example, option to buy, ownership, leasehold)

Ownership

---

Current use (for example, vacant, residence, recreational)

Personal residence

---

---

Name of official, spouse or children

Lee E. & Phyllis D. Fisher

---

Street address or legal description

Lot C-27, Kenai Riverbend Campground, Kenai, AK

---

Nature of interest (for example, option to buy, ownership, leasehold)

Leasehold

---

Current use (for example, vacant, residence, recreational)

Recreational

---

---

Name of official, spouse or children

Lee E. & Phyllis D. Fisher

---

Street address or legal description

77-722 Woodhaven Drive So., Palm Desert, CA 92260

---

Nature of interest (for example, option to buy, ownership, leasehold)

Ownership

---

Current use (for example, vacant, residence, recreational)

Vacation condominium

---

(CONTINUE ANY SECTION ON BLANK PAPER)

Name Lee E. Fisher

**SCHEDULE B**  
**BUSINESS AND REAL PROPERTY INTERESTS**

**BUSINESS INTERESTS**

Includes all interests even if they were not a source of income.  
List ownership interests as a stockholder, owner, officer, partner, or employee.

Phyllis D. Fisher & Amy Springer 2905 E. 20th Avenue  
Anchorage, Ak 99508  
Name of official, spouse or children

A&P Land Co. Partners  
Name of Business Address

Investment in 20 acre un subdivided land at Homer, Alaska  
Nature of Interest

General description of business activity

Name of official, spouse or children

Name of Business Address

Nature of Interest

General description of business activity

Name of official, spouse or children

Name of Business Address

Nature of Interest

General description of business activity

(CONTINUE ANY SECTION ON BLANK PAPER)

SCHEDULE B CONTINUED

REAL PROPERTY INTERESTS

MUST include a street address or actual legal description.  
Does not include property held through limited partnerships.  
List limited partnerships on page 7.

---

continued

---

Name of official, spouse or children

Lee E. & Phyllis D. Fisher

---

Street address or legal description

Lots 1, 2 & 4, Block 5  
- West Alexander Creek Subdivision

---

Nature of interest (for example, option to buy, ownership, leasehold)

Ownership

---

Current use (for example, vacant, residence, recreational)

vacant

---

---

Name of official, spouse or children

---

Street address or legal description

---

Nature of interest (for example, option to buy, ownership, leasehold)

---

Current use (for example, vacant, residence, recreational)

---

---

Name of official, spouse or children

---

Street address or legal description

---

Nature of interest (for example, option to buy, ownership, leasehold)

---

Current use (for example, vacant, residence, recreational)

---

(CONTINUE ANY SECTION ON BLANK PAPER)

JAN 28 1991



SCHEDULE C CONTINUED

CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE  
OR ITS INSTRUMENTALITY

Contracts of the reporting official's family, including the official's mother and/or father must be listed.  
AS 39.50.035(8)

None

\_\_\_\_\_  
Name of contractor

\_\_\_\_\_  
State Contracting Dept. or Instrumentality

\_\_\_\_\_  
Contract number and description

\_\_\_\_\_  
Indicate: Bid, Held or Offered

\_\_\_\_\_  
Name of contractor

\_\_\_\_\_  
State Contracting Dept. or Instrumentality

\_\_\_\_\_  
Contract number and description

\_\_\_\_\_  
Indicate: Bid, Held or Offered

\_\_\_\_\_  
Name of contractor

\_\_\_\_\_  
State Contracting Dept. or Instrumentality

\_\_\_\_\_  
Contract number and description

\_\_\_\_\_  
Indicate: Bid, Held or Offered

LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL OR  
OTHER NATURAL RESOURCES

Contracts of the reporting official's family, including the official's mother and/or father must be listed.  
AS 39.50.035(8)

None

\_\_\_\_\_  
Name of Lessor

\_\_\_\_\_  
Nature of Lease

\_\_\_\_\_  
Identity of Lease

\_\_\_\_\_  
Indicate: Held or Offered

\_\_\_\_\_  
Name of Lessor

\_\_\_\_\_  
Nature of Lease

\_\_\_\_\_  
Identity of Lease

\_\_\_\_\_  
Indicate: Held or Offered

(CONTINUE ANY SECTION ON BLANK PAPER)

# Alaska State Legislature



**Mike Navarre**  
Co-Chair  
(907) 465-3706

INTERIM ADDRESS  
34824 Kallifornsky Beach Rd.  
Soldotna, Alaska 99669  
(907) 262-7842

**Eileen MacLean**  
Co-Chair  
(907) 465-3722

INTERIM ADDRESS  
P.O. Box 290  
Barrow, Alaska 99723  
(907) 852-7111

## House of Representatives

Committee on Finance  
P.O. Box V, Juneau, Alaska 99811

April 8, 1991

Honorable Lee Fisher, Commissioner  
Department of Revenue  
PO Box S  
Juneau, AK 99811

Dear Commissioner Fisher:

Enclosed is a copy of a letter I recently received from your attorney, Mr. John K. Norman, of the firm of Hartig, Rhodes, Norman, Mahoney and Edwards. I appreciate the fervor with which Mr. Norman represents you, but I believe you might be better served if he focused his resources on the legal proceedings, and did not attempt to interfere with the constitutional and statutory function of the Finance Committee.

I fully agree that you and the 32 other defendants deserve your day in court, and you can rest assured that I have no intention of "trying the case" before the House Finance Committee. However, allegations have been raised by the FDIC (negligence, gross negligence, breach of express and implied contract, breach of fiduciary duty, statutory violations) which are directly related to the exercise of your authority, duty and responsibility as Commissioner of Revenue. The House Finance Committee is obligated to make a recommendation to the full House on the matter of your confirmation, and in this context the lawsuit simply cannot be ignored. I would think that you would welcome the opportunity to address the committee's concerns.

In Mr. Norman's closing paragraph he suggests that I "not leap to conclusions based on newspaper reports or vague and general allegations." Please convey to him that he might afford me the same courtesy.

Sincerely,

A handwritten signature in cursive script that reads "Mike".

Mike Navarre  
Co-Chair, House Finance Committee

cc: Governor Walter J. Hickel  
John K. Norman

enclosure

# Revenue chief faces second House review

ANCH. TIMES

## Suit could prompt confirmation hearing

By DAVE PATRICK

TIMES CAPITAL BUREAU

JUNEAU — State Revenue Commissioner Lee Fisher likely will face a second confirmation hearing before the House Finance Committee after being sued by federal banking regulators, said Rep. Mike Navarre, committee co-chairman.

"There certainly are allegations that should be addressed in his overall responsibility as commissioner of Revenue," said Navarre, a Kenai Democrat. No hearing date has been scheduled, he said.

Fisher also would be asked about his recent refusal to answer lawmakers' questions regarding his philosophy and the operation of his department, Navarre said.

The Federal Deposit Insurance Corp. lawsuits name Fisher among 33 former directors and officers of the now-defunct Alaska Mutual Bank and United Bank of Alaska. The FDIC seeks \$56 million in compensation for loan losses it blames on poor management.



Lee Fisher

Fisher, a former Alaska Mutual director, said Sunday that loan losses were caused by plummeting oil prices in 1986, which triggered a crash in real estate values. He also said the FDIC is suing to make claims on liability insurance covering officers and directors of Alaska. See Fisher, back page

## Fisher

Continued from page A1

Mutual.

The state revenue commissioner administers and enforces the revenue and tax laws of the state and is responsible for the collection, accounting, custody, investment and management of virtually all state funds.

The commissioner sits as a director on the Alaska Permanent Fund Corporation, the State Bond Committee, Municipal Bond Bank Authority, Alaska

Housing Finance Corporation, Alaska Student Loan Corporation, and Alaska Industrial Development and Export Authority.

Fisher's outspoken and blunt demeanor have hurt him in dealings with the Legislature, lawmakers said. In a March 11 confirmation hearing before the House Finance Committee, legislators questioned Fisher closely on his role in helping write Gov. Walter J. Hickel's cost-cutting budget proposal.

In an unusual move, the committee said it would withhold a confirmation vote until after Fisher responded to written

questions from lawmakers.

The March 11 committee questionnaire asked Fisher about his understanding of fiduciary responsibility, management of debt and his role on boards and commissions. Fisher refused to answer the questions in a March 18 reply, saying they were too broad and a waste of time.

"Writing a thesis on policies I would promote as a director of boards and commissions would detract from the appropriate use of my time," Fisher said. "If you have any evidence of my fiduciary conduct that makes me unfit for this position, I suggest you

furnish it to Governor Hickel so he may have an opportunity to reconsider my appointment."

Fisher did not return a phone call Tuesday. Navarre said the tone of the letter shows Fisher's irritation over the confirmation process.

"That's too bad, but that doesn't change the fact that we have to take these questions seriously," Navarre said.

"He shouldn't take it so personally, he should just answer the questions," said Rep. Kay Brown, D-Anchorage, a committee member. "If we weren't able to get the answers in writing per-

haps we should get them from him personally."

Fisher, 63, is a former Anchorage accounting firm executive and longtime friend of Hickel. Legislators have described Fisher as combative and abrasive. Senate Finance Committee members recently criticized Fisher for choosing to vacation near Palm Springs rather than attend hearings on his department's budget.

The House Finance Committee members said they cut \$500,000 from the Revenue Department's proposed budget after Fisher failed to attend the

hearing and defend the expenditure.

He most recently opposed legislation proposed by Hickel to charge compound interest to \$3.6

billion in disputed oil royalties and taxes. Fisher later recanted and endorsed the bill.

The Senate Finance Committee has not yet held any hearings on Fisher's confirmation as revenue commissioner. The joint Legislature will meet later in the session to consider the committees' recommendations and vote on Cabinet appointments.

# HOUSE FINANCE COMMITTEE CONFIRMATION HEARING

LEE FISHER  
COMMISSIONER OF REVENUE

March 11, 1991

## Questions and Issues

### Fiduciary Conduct

- \* What is your understanding of fiduciary responsibility, duty of prudence, duty of loyalty, personal liability, co-fiduciary liability, and best interests of beneficiaries?
- \* Give an example of actions you took in your role as a managing partner of a CPA firm to force adherence to fiduciary responsibility by an audit client.
- \* What role does the governor play in exercise of your fiduciary responsibilities?
- \* What does the fiduciary role obligate the commissioner to provide to beneficiaries and trustors as disclosure and reporting?

### Debt Management

- \* As a member of the State Bond Committee, what State debt policies will you promote?
- \* What impact do you think this administration's large-scale development projects would have on the State's credit if they require State equity, subsidy or credit support?
- \* What will be the process for making decisions on debt management?

### Boards and Commissions

- \* As a member of AHFC, AIDA, the Bond Bank, and the Student Loan Corporation, what policies will you promote?
- \* What attitude do you have towards the State reappropriating State funds given to these corporations or receiving dividends from them?
- \* What is your attitude toward dedicated funds?
- \* What programs should the State subsidize?

# Alaska State Legislature

**Mike Navarre**  
Co-Chair  
(907) 465-3706

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34824 Kallifornsky Beach Rd.  
Soldotna, Alaska 99669  
(907) 262-7842



**Eileen MacLean**  
Co-Chair  
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P.O. Box 290  
Barrow, Alaska 99723  
(907) 852-7111

## House of Representatives

Committee on Finance  
P.O. Box V, Juneau, Alaska 99811

March 11, 1991

Commissioner Lee Fisher  
Department of Revenue  
11th floor  
State Office Bldg.  
Juneau, Alaska

Dear Commissioner Fisher,

I want to thank you for your candid remarks during today's confirmation hearing. As you quickly surmised, the House Finance Committee is very much interested in your appointment.

As I stated during the close of today's meeting I would be submitting some additional questions (see enclosure). Please return your written responses as soon as practical.

Sincerely,

A handwritten signature in cursive script that reads "Mike".

Representative Mike Navarre

MN/rw

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 5  
JUNEAU, ALASKA 99811-0400  
PHONE: (907) 465-2300  
TELEFAX: (907) 465-2389

March 18, 1991

The Honorable Mike Navarre  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Navarre:

Your letter of March 11, 1991 was faxed to me last Thursday. I will try to make this written response as candid as my oral remarks.

If, as you state, the House Finance Committee is "very much interested in my appointment" then may I suggest that future questions address my background and qualifications rather than a continuation of the political rhetoric that dominated last Monday's session.

Attempts to direct the Department of Revenue toward de-emphasis of material tax issues in favor of miniscule mining tax matters and queries about my role in the Education Department's budget are not germane to my qualifications as Governor Hickel's choice for Commissioner of Revenue.

As to your written questions and issues, the entire "fiduciary conduct" section can be succinctly answered. My conduct has met, without challenge, the code of ethics of the American Institute of Certified Public Accountants as an employee and employer for 39 years. Further, I performed the duties of managing partner for the "Big 8" international firm Coopers & Lybrand for fifteen years which required even higher standards than the AICPA.

The second query in this section displays a clear lack of understanding of the role of a CPA and the attest function of an auditor. A response is unwarranted.

The third query might better be addressed to Governor Hickel. From my standpoint it is insulting to even suggest that the Governor (or anyone else) exercises control over my fiduciary responsibilities.

The Honorable Mike Navarre  
March 18, 1991  
Page 2

The final query in this section might better have been asked of my predecessor who in fiscal 1988 was responsible for investment decisions that led to the loss of tens of millions in the PERS/TRS portfolios.

Then, rather than reporting these losses and the independent auditor's "except for" opinion, the financials were excluded from the PERS/TRS published reports in a departure from statutory requirements of disclosure and reporting to beneficiaries and trustors, resulting in a scathing report from LB&A dated June 19, 1989.

If you have any evidence of my fiduciary conduct that makes me unfit for this position, I suggest you furnish it to Governor Hickel so he may have an opportunity to reconsider my appointment.

The other two categories of questions are entirely too broad to be responded to satisfactorily in writing. I have a major job to perform (daily) involving issues which draw on my forty years of successful business, accounting, auditing, tax, management, planning and personnel expertise. Writing a thesis on policies I would promote as a director of boards and commissions would detract from the appropriate use of my time. Suffice to say, any and all decisions I will make will be in furtherance of, and for the benefit of, all Alaskans.

I am a firm advocate of the constitutionally mandated separation of powers between the judicial, the legislative and the administrative branches of Alaska's government. I sensed in last Monday's questions (and rhetoric) and in your written questions, a strong flavor of legislative attempt to control the Department of Revenue.

I believe it is my fiduciary responsibility to not allow any such control.

Very truly yours,



Lee E. Fisher  
Commissioner

LEF:mll  
91-34

cc: Governor Walter J. Hickel

# Alaska State Legislature



**Mike Navarre**  
Co-Chair  
(907) 465-3706

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Barrow, Alaska 99723  
(907) 852-7111

## House of Representatives

Committee on Finance  
P.O. Box V, Juneau, Alaska 99811

April 3, 1991

Honorable Lee Fisher, Commissioner  
Alaska Department of Revenue  
P.O. Box S  
Juneau, AK 99811

Dear Commissioner Fisher:

Your letter of March 18, 1991 was received in my office on Thursday, March 28. I appreciate your candor, but frankly, I am disappointed and perplexed by the tone of your reply. You were obviously offended by the hearing, and by the follow-up questions that I sent you. Though I don't understand your reaction, please accept my sincere apology.

We may disagree about whether or not "political rhetoric" dominated the session, but I want to assure you that the Committee is still quite interested in gaining more knowledge about your background and qualifications. Questions seeking your thoughts on matters not strictly germane to those qualifications were posed by committee members trying only to gain a better understanding of you, and were not part of another political agenda. As I'm sure you're aware, the recommendation of the Finance Committee serves as an endorsement to the entire House of Representatives. Your response (or lack thereof) to the written questions submitted is unsatisfactory. Refusing to allow the Committee an opportunity to understand how you view your role as Revenue Commissioner is counterproductive, and I respectfully request that you review your answers.

I too am a firm advocate of the separation of powers between the three branches of government. The legislature has the constitutional and statutory burden of reviewing and confirming the Cabinet, and we are trying to uphold that responsibility. Moreover, the legislature writes the statutes that the departments are charged with carrying out. It only makes good sense to have an understanding of each other if the legislature and the administrative branch are to work together in a cooperative manner for the good of Alaska.

I'm looking forward to your reply.

Sincerely,

A handwritten signature in cursive script that reads "Mike".

Rep. Mike Navarre

MN/pm

cc: Governor Walter J. Hickel

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF REVENUE**

OFFICE OF THE COMMISSIONER

P.O. BOX S  
JUNEAU, ALASKA 99811-0400  
PHONE: (907) 465-2300  
TELEFAX: (907) 465-2389

April 5, 1991

The Honorable Mike Navarre, Co-Chair  
House Finance Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Navarre:

The Juneau rumor mill is probably as unreliable as Fourth Avenue gossip in Anchorage. Normally I would not respond to or rely on, either. However, a reputable member of this community has advised me that you and perhaps some other members of the House Finance Committee believe, and are communicating to others, that I don't agree with and/or don't respect the constitutional process of confirmation hearings.

The sole purpose of this letter is to assure you that any such perception is not only incorrect, it is absurd.

I fully support the constitutional process of confirmation carried on in a dignified atmosphere where both parties use and display respect. The process becomes something else when personal dislikes and political difference of opinion overshadow the single purpose of the process. Is the nominee qualified to hold the office?

I hope that the continuation of my confirmation hearing can be limited to addressing this sole issue, with respect.

The record of the past three months reflects my ability and willingness to respond to you and the Legislature in a professional manner when treated fairly and respectfully. The record also reflects that I will not be maligned or treated with disrespect.

The decision as to how this process continues is almost exclusively within your powers. I'm proud of my thirty-three year history of business and civic service to Alaska. Muckracking in the media has never been, nor will it ever be, my forte.

The Honorable Mike Navarre  
April 5, 1991  
Page 2

If this letter doesn't serve to put my confirmation process back on a reasonable track, then I respectfully request that we schedule a private meeting with the Governor. I am, after all, his choice.

Very truly yours,



Lee E. Fisher  
Commissioner

LEF:m11  
91-54

cc: The Honorable Walter J. Hickel

HARTIG, RHODES, NORMAN, MAHONEY & EDWARDS

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G. KENT EDWARDS  
ROBERT B. FLINT  
LAWRENCE L. HARTIG  
CHRISTINE FOOTE HYATT  
ROBERT J. MAHONEY  
JOHN K. NORMAN  
SEAN R. PARNELL  
DOUGLAS C. PERKINS  
JAMES D. RHODES  
L. ANDREW ROBINSON  
NANCY S. SCHIERHORN  
SPENCER C. SNEED  
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OF COUNSEL

GRUENING & SPITZFADEN  
217 SECOND STREET, SUITE 204  
JUNEAU, ALASKA 99801  
TELEPHONE (907) 588-8110

April 3, 1991

REPLY TO:  
Anchorage

APR 5 1991

The Honorable Mike Navarre  
Alaska State House  
of Representatives  
P. O. Box V  
Juneau, AK 99811

Re: FDIC v. Miller, et al.  
FDIC v. Argetsinger, et al.

Dear Representative Navarre:

Statements attributed to you by the media this morning indicate that you consider the FDIC's filing of a lawsuit in connection with failure of Alliance Bank to be cause for you to question Lee Fisher's qualifications to hold the position of Commissioner of Revenue for the State of Alaska.

Mr. Fisher has been a long-time client of our firm and I am writing to remind you that the mere naming of an individual in a lawsuit does not constitute evidence of wrongdoing. If it did, there would be no need to give a defendant the right to answer a complaint and dispute allegations therein, and there would certainly be no point in having a trial.

As you know, last week the FDIC filed two complaints naming 33 prominent Alaskans as defendants in connection with closure of Alliance Bank, the successor to Alaska Mutual Bank and United Bank of Alaska. You appear to have accepted at face value everything the FDIC has alleged against these defendants. If you have, then you do these individuals a great disservice by judging them before they have had a chance to respond to the FDIC's allegations. Most defendants have yet to even be served with a copy of the complaint.

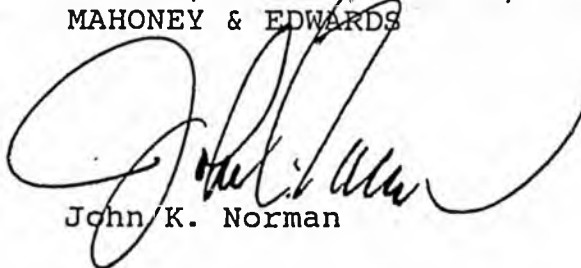
If your intent is simply to use the FDIC complaint as a basis for criticizing Mr. Fisher, then this would lead one to conclude that you are only motivated by politics.

The Honorable Mike Navarre  
Alaska State House  
of Representatives  
Page 2  
April 3, 1991

The 33 defendants deserve their day in court. This is a civil lawsuit and allegations made by the FDIC in that context should not be accorded any greater weight than allegations made by any plaintiff in any other civil litigation. Ultimately judge and jury will decide this case. I suggest that in fairness to all defendants, you allow the judicial process to take its course and that you not leap to conclusions based on newspaper reports or vague and general allegations.

Very truly yours,

HARTIG, RHODES, NORMAN,  
MAHONEY & EDWARDS

A large, stylized handwritten signature in black ink, appearing to read 'John K. Norman', is written over the typed name below.

John K. Norman

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Mark E. Friedman, OSB # 73094  
Rodney B. Carman, ASB #7906010; WSB #19366  
GARVEY, SCHUBERT & BARER  
121 S.W. Morrison Street. 11th Floor  
Portland, Oregon 97204  
Telephone: (503) 228-3939

Of Attorneys for Plaintiff

Richard Foley  
FOLEY & FOLEY  
2600 Denali, Suite 700  
Anchorage, Alaska 99503  
Telephone: (507) 279-4111

Of Attorneys for Plaintiff

Jeffrey Ross Williams  
Legal Division  
Federal Deposit Insurance Corporation  
550 17th Street, N.W.  
Washington, D.C. 20429

Of Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA :

THE FEDERAL DEPOSIT INSURANCE )  
CORPORATION, a federal )  
corporation, )  
Plaintiff, )  
v. )  
JOSEPH C. MILLER, ROBERT E. BAER, )  
BRIAN J. BRUNDIN, ROBERT L. )  
DOSS, JR., LEE E. FISHER, D. MAX )  
HODEL, GEORGE J. JANSSEN, )  
JAMES W. ROMERDAHL, RICHARD L. )  
SILBERER, WILLIAM J. TOBIN, )  
ROBERT M. WINSLOW, and VICTOR )  
P. MOLLOZZI, )  
Defendants. )

Case No.  
COMPLAINT  
(Negligence, Gross  
Negligence, Breach of  
Express and Implied  
Contract, Breach of  
Fiduciary Duty, Statutory  
Violations)  
(Demand for Jury Trial)

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11 Washington, D.C. 20429

12 Of Counsel for Plaintiff

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE DISTRICT OF ALASKA

15 THE FEDERAL DEPOSIT INSURANCE )  
16 CORPORATION, a federal )  
corporation, )

17 Plaintiff, )

18 v. )

19 JOSEPH C. MILLER, ROBERT E. BAER, )  
20 BRIAN J. BRUNDIN, ROBERT L. )  
DOSS, JR., LEE E. FISHER, D. MAX )  
21 HODEL, GEORGE J. JANSSEN, )  
22 JAMES W. ROMERDAHL, RICHARD L. )  
SILBERER, WILLIAM J. TOBIN, )  
23 ROBERT M. WINSLOW, and VICTOR )  
P. MOLLOZZI, )

24 Defendants. )

Case No.

COMPLAINT

(Negligence, Gross  
Negligence, Breach of  
Express and Implied  
Contract, Breach of  
Fiduciary Duty, Statutory  
Violations)

(Demand for Jury Trial)

# Banks' directors took fiscal beating

ANCH. TIMES 4.3.91

By PATRICIA SOLOVEICHIK

TIMES BUSINESS WRITER

A proxy statement given to stockholders of Alaska Mutual Bank and United Bank Alaska when the two banks were taken over by federal regulators and merged in 1987 shows many of AMB's directors and officers took a financial beating along with the banks.

The Alaska Mutual directors named in the Federal Deposit Insurance Corp. lawsuit filed Friday did not make money on the bank shares they held and eventually lost their entire stock investment.

Alaska Mutual Bank started out modestly enough as a savings institution in 1961 lacking the authority to take on corporate deposits or make commercial loans. The state commerce commissioner at that time, A.H. Romick, said, "Nobody can go in

■ Federal suit may chill service on boards, bankers say A10

■ Former United Bank Alaska director defends actions A10

and make a killing" under such restrictions.

However, Alaska Mutual directors, not satisfied with the bank's charter as a home loan bank, ventured into new territory. Incorporators Arnold Espe, Melvin Cook, Victor Gill, Larry Landry, Ron Rettig and Robert J. Shimek wanted a piece of the commercial banking business.

After much lobbying, Espe incorporated Alaska Pacific Bank and set up shop upstairs from AMB, sharing tellers, data processing, lobbies and operations. The two banks had the advantage of higher interest rates on savings accounts at the Mutual and the services permitted a

See FDIC, back page

## FDIC

Continued from page A1

commercial bank at Pacific.

Another lobbying effort in the Alaska Legislature won state-chartered banks the right to exercise the powers of commercial banks and the option of converting from mutual to stock ownership. The name "Savings" was dropped quietly from the bank's name in September 1980.

Rumors of a possible purchase by Seattle's Seafirst Corp. at about the time of the stock sale, may have prompted the decision to become a publicly held bank.

With Reagan economists predicting an upswing, a deal was made to sell out to Seafirst for \$33.5 million. But the transaction fell through when Oklahoma City's Penn Square Bank went belly-up and dropped heavy loan losses on the back of Seafirst Bank.

Alaska Mutual offered its stock to the public for the first time in March 1982, selling 1 million shares for between \$12.32 and \$16.67 per share.

Directors, officers and depositors got the first shot and bought up the shares before they were offered to the public.

AMB's officers and directors bought a total of 200,000 shares. State law requires directors to hold only 100 shares of a bank's stock.

In AMB's stock prospectus in 1982, the directors and officers' holdings were: President Earl Miller, 10,000 shares; Vice President Richard Anglemeyer, 5,000 shares; directors Kenneth L. Brady, 16,700 shares; Richard L. Silberer, 20,000 shares, and David Fritz, 13,500 shares. A few other directors and officers held 10,000 shares each and the lowest insider purchase was 300 shares.

The investment started out with considerable promise as Alaska Mutual grew from a small home loan bank into the third-largest bank in Alaska behind National Bank of Alaska and First National Bank of Anchorage.

But by the time the bank failed five years later, the stock was worth about 81 cents a share. The board of directors at the time AMB was closed held a substantial numbers of shares, according to the final proxy statement, dated Sept. 29, 1987.

Gov. Walter Hickel's Chief of Staff Max Hodel Anchorage businessman Rich-

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

# Banks' directors took fiscal beating

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Continued from page A1

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But by the time the bank failed five years later, the stock was worth about 81 cents a share. The board of directors at the time AMB was closed held a substantial numbers of shares, according to the final proxy statement, dated Sept. 29, 1987.

Gov. Walter Hickel's Chief of Staff Max Hodel held 38,110 shares, Anchorage businessman Richard Silberer had 55,902 shares, Robert Baer had 1,155 shares, Revenue Commissioner Lee Fisher had 2,840 shares, James W. Romerdahl had 11,000 shares, George J. Janssen had 116,000 shares, and Anchorage Times Assistant Publisher William J. Tobin had 4,844 shares.

UBA also had taken the 1980s economic boom to heart. But the only UBA director to take a direct hit was NANA Development Corp. President William L. Hensley, who owned 3,876 shares of the almost worthless UBA stock.

However, Native corporations that had purchased large ownership interests in UBA were badly bruised. Sealaska Corp. held 522,290, or 13.8 percent of that bank's shares, NANA Regional Corp. had 515,460 shares, or 13.6 percent, Bristol Bay had 425,315 shares, or 11.2 percent, Doyon Ltd. had 372,790 shares, or 9.9 percent, and Ahtna Corp. had 189,970 shares, or 5 percent.

At its peak value, the UBA stock sold for \$10.34 a share. By late 1987, the stock had plummeted to 63 cents per share.

If the bank directors had given thought to selling off their shares when things started looking bleak in 1986, securities regulations would not have allowed the transaction because they were privy to insider information.



Official Business

# Alaska State Legislature

## Senate

### Committee on Finance

Pouch V  
State Capitol  
Juneau, Alaska 99811

The Honorable Richard Eliason  
President  
Alaska State Senate  
P. O. Box V  
Juneau, Alaska 99811

Dear Senator Eliason:

In accordance with AS 39.05.080, the Senate Finance Committee reviewed the qualifications of Darrel J. Rexwinkel for appointment as Commissioner of Revenue. There were no stated objections to confirmation of Mr. Rexwinkel by committee members. This does not reflect an intent by any of the members to vote for or against him during any further sessions for the purpose of consideration.

Respectfully,

Senator Pat Pourchot, Co-chairman

  
Senator Jay Kerttula, Co-chairman

Members:

  
Senator Jim Duncan  
Senator Al Adams  
Senator Lyman Hoffman  
Senator Dick Shultz  
Senator Rick Uehling



Alaska State Legislature  
Senate

Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

FOR YOUR IMMEDIATE ATTENTION

DATE:

May 12, 1992

TO SENATE COMMITTEE:

Finance

FROM: Office of the Senate Secretary

The Chairman of the above-referenced Committee has waived the Committee referral on the following bill(s):

CSHJR 13

Run-Off Election: Gov. + Lt. Gov.

CSHB 356

Green Construction Standards

Please give the bill file(s) to the page delivering this message for forwarding to the next Committee of referral.

Thank you for your prompt attention to this request.

JR/s

# Alaska State Legislature

Sen. Pat Pourchot, Co-Chairman  
Sen. Jay Kerttula, Co-Chairman

Sen. Al Adams  
Sen. Jim Duncan  
Sen. Lyman F. Hoffman  
Sen. Dick Shultz  
Sen. Rick Uehling



State Capitol  
Juneau, Alaska 99801-1182  
907-465-3712

## Senate Finance Committee

### MEMORANDUM

TO: Senate Finance Committee Members  
FROM: Senator Pat Pourchot *Pat*  
RE: Introduction of Mental Health Settlement Bill  
DATE: April 10, 1992

Last year's Mental Health Lands "Settlement" has encountered numerous problems. An alternative proposal is being discussed by many affected parties which may have potential for a simpler, faster settlement. Without endorsing this alternative, I would like to introduce a Finance Committee bill incorporating this proposal to provide a forum for review of the on-going problems and explore alternatives.

Attached is a draft which we intend to introduce on Monday unless there is strong objection from the committee.

Attachment

## SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Introduced:  
Referred:

## A BILL

## FOR AN ACT ENTITLED

1 "An Act amending provisions of ch. 66, SLA 1991, that relate to reconstitution of the  
2 corpus of the mental health trust, the management of trust assets, and to the manner of  
3 enforcement of the obligation to compensate the trust; and providing for an effective date."

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

5 \* Section 1. AS 22.05.010 is amended by adding a new subsection to read:

6 (f) The supreme court has original and exclusive jurisdiction to hear and determine any  
7 dispute arising under AS 37.14.036(c) - (e).

8 \* Sec. 2. AS 37.14.009(a) is amended to read:

9 (a) The Alaska Mental Health Trust Authority

10 (1) shall manage the assets of the trust in a fiduciary manner to fulfill the  
11 purposes of the trust;

12 (2) may, consistent with (1) of this subsection and AS 47.30.036(1), sell, lease,  
13 exchange, or otherwise dispose of land in the trust;

14 (3) may, consistent with (1) of this subsection, use land that is an asset of the

1 trust directly for the integrated comprehensive mental health program;

2 (4) shall, upon terms satisfactory to the authority, [MAY] contract with the  
3 Department of Natural Resources to manage the land assets of the trust, unless the authority  
4 determines that the best interests of trust beneficiaries would be served by other  
5 arrangements; and

6 (5) shall contract with the Alaska Permanent Fund Corporation for management of the  
7 trust's cash assets, unless the authority finds that the best interests of trust beneficiaries would  
8 be served by contracting with another entity.

9 \* Sec. 3. AS 37.14.031, added by sec. 11, ch. 66, SLA 1991, is amended to read:

10 Sec. 37.14.031. TRUST FUND ESTABLISHED. The mental health trust fund is  
11 established as a separate fund within the state treasury. The fund consists of the cash assets of  
12 the principal of the trust, including the proceeds earned from the management of the land  
13 placed in the trust corpus under AS 38.05.800.

14 \* Sec. 4. AS 37.14.036(c), added by sec. 11, ch. 66, SLA 1991, is repealed and reenacted to read:

15 (c) As compensation for the land that constituted the trust established by the enabling Act  
16 and that is not reconstituted as part of the mental health trust corpus established under  
17 AS 38.05.800, the state shall make an annual payment of six percent of the unrestricted general  
18 fund revenue of the state during each fiscal year. The commissioner of revenue shall annually  
19 allocate that amount from the general fund to the mental health trust income account established  
20 in (a) of this section.

21 \* Sec. 5. AS 37.14.036, added by sec. 11, ch. 66, SLA 1991, is amended by adding new subsections  
22 to read:

23 (d) To secure the allocation of amounts required under (c) of this section, land granted  
24 to the state under the enabling act, and that is, on the effective date of this subsection, designated  
25 by law as a state park, state forest, state game refuge, state wildlife refuge, state game sanctuary,  
26 state recreational area, state recreational river, state wilderness park, state marine park, state  
27 special management area, state public use area, critical habitat area, bald eagle preserve, bison  
28 range, or moose range, is pledged as security to the mental health trust. Title to this land  
29 remains in the state and, so long as a default does not exist under (c) of this section, income from  
30 that land shall be deposited in the general fund and considered unrestricted general funds of the  
31 state.

1 (e) Upon default, the foreclosure of the lands pledged as security under (d) of this  
2 section, including the parcels to be foreclosed and the manner of foreclosure, shall be determined  
3 by the supreme court.

4 \* Sec. 6. AS 38.05.800 is repealed and reenacted to read:

5 Sec. 38.05.800. RECONSTITUTION OF MENTAL HEALTH TRUST CORPUS. The  
6 corpus of the mental health trust includes land granted to the state under the Alaska Mental  
7 Health Enabling Act of 1956, P.L. 84-830, 70 Stat. 709, that, on the effective date of this Act,

8 (1) has not been conveyed or encumbered by the state, or reserved by law from  
9 the public domain;

10 (2) is subject to only one or more of the following:

11 (A) an oil or gas lease, coal lease, or other lease;

12 (B) a timber contract;

13 (C) a mining claim;

14 (D) a sale of materials under AS 38.05.110 - 38.05.120;

15 (E) a land use permit or right-of-way issued by the department under this  
16 chapter;

17 (3) is not necessary to carry out the purposes of an interagency land management  
18 agreement; or

19 (4) was selected by a municipality under AS 29.65 or under former  
20 AS 29.18.190 - 29.18.200 and the selection of which, on the effective date of this Act, has been  
21 neither approved nor disapproved by the director.

22 \* Sec. 7. Section 49, ch. 66, SLA 1991, is amended to read:

23 Sec. 49. AS 37.14.011, 37.14.021, [AS 38.05.800,] AS 47.30.546, secs. 1, 2, 4, and 5,  
24 ch. 132, SLA 1986; and secs. 7 - 10, ch. 48, SLA 1987 are repealed.

25 \* Sec. 8. Sections 54, 55, 56, and 57, ch. 66, SLA 1991, are repealed.

26 \* Sec. 9. COURT JURISDICTION. (a) If for any reason the Alaska Supreme Court determines that  
27 the jurisdiction conferred under AS 22.05.010(f), added by sec. 1 of this Act, is invalid, the superior  
28 court shall have jurisdiction over proceedings described in AS 22.05.010(f).

29 (b) The Alaska Supreme Court or, if applicable, the Superior Court may refer the proceedings  
30 under AS 22.05.010(f), added by sec. 1 of this Act, to a special master.

31 \* Sec. 10. This Act takes effect on the effective date of ch. 66, SLA 1991.

*Bannister*

*4-5-91 Approved by  
Committee for  
Introduction*  
7-LS1167A

SENATE BILL NO. *245* *Introduced*  
*4-8-91*

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced:  
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to state purchases of heavy trucks and heavy equipment."

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

3 \* Section 1. LEGISLATIVE INTENT. It is the intent of the legislature that the state take into  
4 account certain factors in addition to price when purchasing heavy trucks and heavy equipment. The  
5 state should consider resale value, durability as measured by projected operating and maintenance costs,  
6 and service requirements, including warranty, parts availability, and service locations. These factors  
7 should be considered with the goal of acquiring the best value for the state considering the price and  
8 quality of the equipment purchased.

9 \* Sec. 2. AS 36.30.040(b) is amended to read:

10 (b) The commissioner shall adopt regulations pertaining to the following:

- 11 (1) suspension, debarment, and reinstatement of prospective bidders and
- 12 contractors;
- 13 (2) bid protests;
- 14 (3) conditions and procedures for the procurement of perishables and items for

**SENATE CONCURRENT RESOLUTION NO.**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Introduced:**

**Referred:**

**A RESOLUTION**

**1 Suspending Uniform Rules 24(c), 35, 41(b), and 42(e) of the Alaska State Legislature**  
**2 concerning House Bill No. 486, making a contingent appropriation to the Exxon Valdez**  
**3 Oil Spill Trust.**

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

**5 That under Rule 54 of the Uniform Rules of the Alaska State Legislature, the provisions of**  
**6 Rules 24(c), 35, 41(b), and 42(e) of the Uniform Rules, regarding changes to the title of a bill, are**  
**7 suspended in consideration of House Bill No. 486, making a contingent appropriation to the Exxon**  
**8 Valdez Oil Spill Trust.**

*Not used.*

Cramer

**SENATE CONCURRENT RESOLUTION NO.  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Introduced:**

**Referred:**

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8 Valdez Oil Spill Trust.**

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**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Introduced:**

**Referred:**

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**8 Valdez Oil Spill Trust.**

**SENATE CONCURRENT RESOLUTION NO.  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Introduced:**

**Referred:**

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8 Valdez Oil Spill Trust.**

# Alaska State Legislature.

Sen. Pat Pourchot, Co-Chairman  
Sen. Jay Kerttula, Co-Chairman



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

907-465-3712

Sen. Al Adams  
Sen. Jim Duncan  
Sen. Lyman F. Hoffman  
Sen. Dick Shultz  
Sen. Rick Uehling

## Senate Finance Committee

February 19, 1991

The Honorable Richard Eliason  
President, Alaska State Senate  
Alaska State Legislature  
Juneau, AK 99811

Dear Mr. President:

The Senate Finance Committee has considered the following Executive Order:

Executive Order 78, relating to the transfer of the office of equal opportunity from the office of the Governor to the Department of Administration.

There were no stated objections to this order by the committee members.

Respectfully,

Handwritten signature of Senator Pat Pourchot.

Senator Pat Pourchot, Co-Chair

Handwritten signature of Senator Jalmar Kerttula.  
Senator Jalmar Kerttula, Co-ChairHandwritten signature of Senator Jim Duncan.  
Senator Jim DuncanHandwritten signature of Senator Lyman Hoffman.  
Senator Lyman HoffmanHandwritten signature of Senator Al Adams.  
Senator Al AdamsHandwritten signature of Senator Rick Uehling.  
Senator Rick UehlingHandwritten signature of Senator Richard Shultz.  
Senator Richard Shultz

Introduced: 1/21/91

IN THE HOUSE  
Referred: Judiciary

IN THE SENATE  
Referred: State Affairs, Finance

**EXECUTIVE ORDER NO. 78**

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with  
2 AS 24.08.210, I order the following:

3 \* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient  
4 administration to transfer the office of equal employment opportunity from the Office of the Governor  
5 to the Department of Administration.

6 \* Sec. 2. AS 44.21.020 is amended by adding a new paragraph to read:

7 (14) administer the office of equal employment opportunity.

8 \* Sec. 3. AS 44.21 is amended by adding new sections to read:

9 ARTICLE 8. OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY.

10 Sec. 44.21.500. OFFICE ESTABLISHED. The office of equal employment opportunity  
11 is established in the department.

12 Sec. 44.21.501. POWERS AND DUTIES OF THE OFFICE. (a) The office shall  
13 administer the equal employment opportunity program for the executive branch of state  
14 government to ensure compliance with AS 44.21.500 - 44.21.508 and shall

15 (1) assist state officials to carry out their equal employment opportunity  
16 responsibilities, including promoting the recruitment, employment, training, and retention of  
17 members of protected classes, and recommend solutions to any problems identified;

18 (2) train state managers and supervisors in their equal employment opportunity  
19 and affirmative action responsibilities and offer orientation programs to employees to inform  
20 them of their rights and responsibilities under AS 44.21.500 - 44.21.508.

21 (3) monitor records of personnel actions, develop auditing and reporting systems  
22 to acquire statistical information, and prepare federal and state reports concerning the composition  
23 of the work force;

1 (4) prepare and submit the affirmative action plan for employment in the  
2 executive branch of state government to the governor;

3 (5) prepare guidelines for the affirmative action programs of agencies and review,  
4 audit and make recommendations concerning the programs;

5 (6) ensure that agencies comply with the affirmative action plan and with the  
6 agency affirmative action program;

7 (7) implement standards by which performance evaluations of supervisors reflect  
8 compliance with affirmative action plans and objectives, including the granting or denial of merit  
9 increases;

10 (8) assist the division of labor relations in collective bargaining negotiations  
11 between the state and employee bargaining organizations to ensure that each collective bargaining  
12 agreement negotiated by the state ensures equal employment opportunity;

13 (9) file quarterly reports with the governor and the legislature concerning agency  
14 compliance with and progress in its affirmative action program, the affirmative action plan, state  
15 and federal equal employment opportunity laws and regulations;

16 (10) accept, investigate, and resolve complaints of discrimination from employees,  
17 previous employees, or applicants for employment;

18 (11) serve as primary liaison between the executive branch and state and federal  
19 agencies, minority and women's organizations, and community groups concerned with equal  
20 employment opportunity; and

21 (12) prepare and submit an annual report to the governor and the legislature by  
22 February 15 on the progress and problem areas in the equal employment opportunity program  
23 and the implementation of the affirmative action plan.

24 (b) The office may

25 (1) recommend legislative or administrative action to the governor relating to  
26 equal employment opportunity and affirmative action matters;

27 (2) require the purging of the records of a complaint of unlawful discrimination  
28 from the personnel file of an employee who has filed a complaint of unlawful discrimination;

29 (3) forbid an agency to hire or promote employees based on a discriminatory  
30 employment practice;

31 (4) require an agency to reverse a personnel action including a hiring decision if

1 it finds that the action was based on a discriminatory employment practice;

2 (5) require an agency to change its selection procedures if it finds that the  
3 procedures violate state or federal laws prohibiting employment discrimination; and

4 (6) when there is reason to believe that an employee has violated this subsection,  
5 require the agency to investigate and to impose discipline if the investigation reveals facts  
6 warranting it.

7 (c) A collective bargaining agreement adopted under AS 23.40.070 - 23.40.260 (Public  
8 Employment Relations Act) must be consistent with principles of equal employment opportunity  
9 and affirmative actions. AS 44.21.500 - 44.21.508 supersede the provisions of AS 39.25 (State  
10 Personnel Act).

11 Sec. 44.21.502. ADMINISTRATIVE REGULATIONS. The commissioner shall adopt  
12 regulations under the Administrative Procedure Act (AS 44.62) to carry out the office's duties.

13 Sec. 44.21.503. AFFIRMATIVE ACTION PLAN. The department shall establish an  
14 equal employment opportunity program and adopt annually an affirmative action plan for the  
15 executive branch of state government. The plan remains in effect until the department establishes  
16 a subsequent plan. The office shall work with each agency to enhance equal employment  
17 opportunity.

18 Sec. 44.21.504. COMPLIANCE WITH AFFIRMATIVE ACTION PLAN. (a) Each  
19 agency shall comply with the affirmative action plan. Each commissioner or executive head of  
20 an agency shall adopt an affirmative action program to implement the plan within the agency.  
21 At the request of the office, a state official shall report to the office about agency employment  
22 practices and activities to implement and comply with the plan or program.

23 (b) When the office finds that an agency has violated the affirmative action plan or its  
24 affirmative action program, the office may

25 (1) suspend the hiring authority of the agency; and

26 (2) impose mandatory affirmative action measures on the agency to bring the  
27 agency into compliance.

28 Sec. 44.21.505. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The office  
29 shall accept complaints of employment discrimination in the executive branch of state  
30 government and shall confer with the complainant and the agency involved to bring about an  
31 informal resolution of complaint.

1 (b) An agency shall notify the office when the agency receives a complaint alleging  
2 employment discrimination.

3 (c) The office may not make public the records of a complaint or investigation.

4 Sec. 44.21.506. RETALIATION PROHIBITED. (a) An agency, officer, or state  
5 employ ee may not directly or indirectly refuse to hire, transfer or promote, or dismiss, demote,  
6 suspend, lay off, or otherwise discipline a person for filing a complaint with the office for a  
7 failure to comply with affirmative action or equal employment opportunity or for assisting the  
8 office in an investigation of a complaint.

9 (b) A person who knowingly violates this section is liable for a civil penalty of not more  
10 than \$1,000.

11 Sec. 44.21.507. ACCESS TO CONFIDENTIAL RECORDS. The office may have access  
12 to all data, records, and reports necessary to carry out its functions under AS 44.21.500 -  
13 44.21.508. The office may not make public information designated as confidential by AS  
14 39.25.080 or another law. However, the office may make public statistical information compiled  
15 from confidential records.

16 Sec. 44.21.508. DEFINITIONS. In AS 44.21.500 - 44.21.508,

17 (1) "agency" means a department, office, agency, public corporation, board,  
18 commission, authority, or other organizational unit of the executive branch;

19 (2) "commissioner" means the commissioner of administration;

20 (3) "department" means the Department of Administration;

21 (4) "employment in the executive branch of state government" includes  
22 employment as a permanent, probationary, provisional, nonpermanent, or temporary employee  
23 in the classified, partially exempt, or exempt services in the executive branch of state  
24 government;

25 (5) "member of a protected class" means a person protected by federal or state  
26 laws that prohibit discrimination in employment or a person who experiences or has experienced  
27 difficulty in obtaining employment or advancement in employment because of another factor not  
28 related to merit;

29 (6) "office" means the office of equal employment opportunity in the department.

30 \* Sec. 4. AS 44.19.441, 44.19.442, 44.19.443, 44.19.444, 44.19.445, 44.19.446, 44.19.447, 44.19.448,  
31 and 44.19.449 are repealed.

1 \* Sec. 5. Transition. (a) Litigation, hearings, investigations, and other proceedings pending under  
2 a law amended or repealed by this Order, or in connection with functions transferred by this Order,  
3 continue in effect and may be continued and completed notwithstanding a transfer or amendment or  
4 repeal provided for in this Order.

5 (b) Regulations adopted by the office of equal employment opportunity under authority of  
6 AS 44.19.443 before March 23, 1991, remain in effect until regulations are adopted under AS 44.21.502  
7 by the commissioner of administration, and take effect. The Department of Administration may enforce  
8 the regulations adopted under AS 44.19.443 until its own take effect.

9 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or repealed  
10 by this Executive Order, and in effect on March 22, 1991, remain in effect notwithstanding this Order's  
11 taking effect. Records, equipment, appropriations, and other property of agencies of the state whose  
12 functions are transferred under this Order shall be transferred to implement the provisions of this Order.

13 \* Sec. 6. This Order takes effect March 23, 1991.

14

15

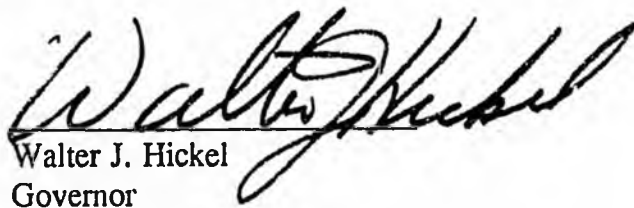
DATED: 1-21-91

16

17

18

19

  
Walter J. Hickel  
Governor



OFFICIAL BUSINESS

# Alaska State Legislature

## Senate

### Office of the Secretary

PO BOX V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

January 22, 1991

#### MEMORANDUM

TO: Senator Jalmar Kerttula, Co-Chair  
Senator Pat Pourchot, Co-Chair  
Finance Committee

FROM: Nancy Quinto *NQ*  
Secretary of the Senate

RE: Executive Order No. 78

The President has referred Executive Order No. 78 (to transfer the office of equal employment opportunity from the Office of the Governor to the Department of Administration) to your committee.

Section 23, Article III of the Constitution states:

The governor may make changes in the organization of the executive branch or in the assignment of functions among the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

Attachment

# Alaska State Legislature

Sen. Pat Pourchot, Co-Chairman  
Sen. Jay Kerttula, Co-Chairman

Sen. Al Adams  
Sen. Jim Duncan  
Sen. Lyman F. Hoffman  
Sen. Dick Shultz  
Sen. Rick Uehling



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

907-465-3712

## Senate Finance Committee

### MEMORANDUM

TO: Senate Finance Committee Members  
FROM: Senator Pat Pourchot  
RE: Executive Orders  
DATE: February 7, 1991

Please find attached Executive Order 78, relating to the transfer of the Office of Equal Opportunity from the Office of the Governor to the Department of Administration and Executive Order 79, relating to the transfer of the Office of International Trade from the Governor's Office to the Department of Commerce and Development. These have been referred to the Finance Committee.

Please notify my office by Friday, February 15, 1991 if you would like the Finance Committee to hold a hearing on either order. If no requests for a hearing are received, I will present the committee with a letter for individual signature, stating the Finance Committee's non-objection to the orders.

Patrick M. Rodey  
Senator

# Alaska State Legislature



Senate


3111 C. St., Suite 510  
Anchorage, Alaska 99503  
(907) 561-7618

During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3793

## Memorandum

Date: January 28, 1991

To: Senator Jay Kerttula, Co-Chair  
Senator Pat Pourchot, Co-Chair  
Senate Finance Committee

From: Senator Pat Rodey, Chair  
Senate State Affairs Committee 

Subj: Executive Order - 78  
EEO transfer from Governor's Office to Administration

The Senate State Affairs Committee met and considered the Governor's Executive Order-78, transferring the Office of Equal Employment Opportunity from the Governor's Office to the Department of Administration.

Members decided to take no action opposing the Executive Order. I am forwarding the Executive Order to you as it was also given a Senate Finance Committee referral.



# Alaska State Legislature

## Senate

### Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

January 22, 1991

#### MEMORANDUM

TO: Senator Pat Rodey, Chair  
State Affairs Committee

FROM: Nancy Quinto *NQ*  
Secretary of the Senate

RE: Executive Order No. 78

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Attachment

Introduced: 1/21/91  
Referred in the Senate: State Affairs  
and Finance  
Referred in the House: Judiciary

7-GS0039

### EXECUTIVE ORDER NO. 78

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2 AS 24.08.210, I order the following:

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4 administration to transfer the office of equal employment opportunity from the Office of the Governor  
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6 \* Sec. 2. AS 44.21.020 is amended by adding a new paragraph to read:

7 (14) administer the office of equal employment opportunity.

8 \* Sec. 3. AS 44.21 is amended by adding new sections to read:

9 ARTICLE 8. OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY.

10 Sec. 44.21.500. OFFICE ESTABLISHED. The office of equal employment opportunity  
11 is established in the department.

12 Sec. 44.21.501. POWERS AND DUTIES OF THE OFFICE. (a) The office shall  
13 administer the equal employment opportunity program for the executive branch of state  
14 government to ensure compliance with AS 44.21.500 - 44.21.508 and shall

15 (1) assist state officials to carry out their equal employment opportunity  
16 responsibilities, including promoting the recruitment, employment, training, and retention of  
17 members of protected classes, and recommend solutions to any problems identified;

18 (2) train state managers and supervisors in their equal employment opportunity  
19 and affirmative action responsibilities and offer orientation programs to employees to inform  
20 them of their rights and responsibilities under AS 44.21.500 - 44.21.508.

21 (3) monitor records of personnel actions, develop auditing and reporting systems  
22 to acquire statistical information, and prepare federal and state reports concerning the composition  
23 of the work force;

1 (4) prepare and submit the affirmative action plan for employment in the  
2 executive branch of state government to the governor;

3 (5) prepare guidelines for the affirmative action programs of agencies and review,  
4 audit and make recommendations concerning the programs;

5 (6) ensure that agencies comply with the affirmative action plan and with the  
6 agency affirmative action program;

7 (7) implement standards by which performance evaluations of supervisors reflect  
8 compliance with affirmative action plans and objectives, including the granting or denial of merit  
9 increases;

10 (8) assist the division of labor relations in collective bargaining negotiations  
11 between the state and employee bargaining organizations to ensure that each collective bargaining  
12 agreement negotiated by the state ensures equal employment opportunity;

13 (9) file quarterly reports with the governor and the legislature concerning agency  
14 compliance with and progress in its affirmative action program, the affirmative action plan, state  
15 and federal equal employment opportunity laws and regulations;

16 (10) accept, investigate, and resolve complaints of discrimination from employees,  
17 previous employees, or applicants for employment;

18 (11) serve as primary liaison between the executive branch and state and federal  
19 agencies, minority and women's organizations, and community groups concerned with equal  
20 employment opportunity; and

21 (12) prepare and submit an annual report to the governor and the legislature by  
22 February 15 on the progress and problem areas in the equal employment opportunity program  
23 and the implementation of the affirmative action plan.

24 (b) The office may

25 (1) recommend legislative or administrative action to the governor relating to  
26 equal employment opportunity and affirmative action matters;

27 (2) require the purging of the records of a complaint of unlawful discrimination  
28 from the personnel file of an employee who has filed a complaint of unlawful discrimination;

29 (3) forbid an agency to hire or promote employees based on a discriminatory  
30 employment practice;

31 (4) require an agency to reverse a personnel action including a hiring decision if

1 it finds that the action was based on a discriminatory employment practice;

2 (5) require an agency to change its selection procedures if it finds that the  
3 procedures violate state or federal laws prohibiting employment discrimination; and

4 (6) when there is reason to believe that an employee has violated this subsection,  
5 require the agency to investigate and to impose discipline if the investigation reveals facts  
6 warranting it.

7 (c) A collective bargaining agreement adopted under AS 23.40.070 - 23.40.260 (Public  
8 Employment Relations Act) must be consistent with principles of equal employment opportunity  
9 and affirmative actions. AS 44.21.500 - 44.21.508 supersede the provisions of AS 39.25 (State  
10 Personnel Act).

11 Sec. 44.21.502. ADMINISTRATIVE REGULATIONS. The commissioner shall adopt  
12 regulations under the Administrative Procedure Act (AS 44.62) to carry out the office's duties.

13 Sec. 44.21.503. AFFIRMATIVE ACTION PLAN. The department shall establish an  
14 equal employment opportunity program and adopt annually an affirmative action plan for the  
15 executive branch of state government. The plan remains in effect until the department establishes  
16 a subsequent plan. The office shall work with each agency to enhance equal employment  
17 opportunity.

18 Sec. 44.21.504. COMPLIANCE WITH AFFIRMATIVE ACTION PLAN. (a) Each  
19 agency shall comply with the affirmative action plan. Each commissioner or executive head of  
20 an agency shall adopt an affirmative action program to implement the plan within the agency.  
21 At the request of the office, a state official shall report to the office about agency employment  
22 practices and activities to implement and comply with the plan or program.

23 (b) When the office finds that an agency has violated the affirmative action plan or its  
24 affirmative action program, the office may

25 (1) suspend the hiring authority of the agency; and

26 (2) impose mandatory affirmative action measures on the agency to bring the  
27 agency into compliance.

28 Sec. 44.21.505. EMPLOYMENT DISCRIMINATION COMPLAINTS. (a) The office  
29 shall accept complaints of employment discrimination in the executive branch of state  
30 government and shall confer with the complainant and the agency involved to bring about an  
31 informal resolution of complaint.

1 (b) An agency shall notify the office when the agency receives a complaint alleging  
2 employment discrimination.

3 (c) The office may not make public the records of a complaint or investigation.

4 Sec. 44.21.506. RETALIATION PROHIBITED. (a) An agency, officer, or state  
5 employee may not directly or indirectly refuse to hire, transfer or promote, or dismiss, demote,  
6 suspend, lay off, or otherwise discipline a person for filing a complaint with the office for a  
7 failure to comply with affirmative action or equal employment opportunity or for assisting the  
8 office in an investigation of a complaint.

9 (b) A person who knowingly violates this section is liable for a civil penalty of not more  
10 than \$1,000.

11 Sec. 44.21.507. ACCESS TO CONFIDENTIAL RECORDS. The office may have access  
12 to all data, records, and reports necessary to carry out its functions under AS 44.21.500 -  
13 44.21.508. The office may not make public information designated as confidential by AS  
14 39.25.080 or another law. However, the office may make public statistical information compiled  
15 from confidential records.

16 Sec. 44.21.508. DEFINITIONS. In AS 44.21.500 - 44.21.508,

17 (1) "agency" means a department, office, agency, public corporation, board,  
18 commission, authority, or other organizational unit of the executive branch;

19 (2) "commissioner" means the commissioner of administration;

20 (3) "department" means the Department of Administration;

21 (4) "employment in the executive branch of state government" includes  
22 employment as a permanent, probationary, provisional, nonpermanent, or temporary employee  
23 in the classified, partially exempt, or exempt services in the executive branch of state  
24 government;

25 (5) "member of a protected class" means a person protected by federal or state  
26 laws that prohibit discrimination in employment or a person who experiences or has experienced  
27 difficulty in obtaining employment or advancement in employment because of another factor not  
28 related to merit;

29 (6) "office" means the office of equal employment opportunity in the department.

30 \* Sec. 4. AS 44.19.441, 44.19.442, 44.19.443, 44.19.444, 44.19.445, 44.19.446, 44.19.447, 44.19.448,  
31 and 44.19.449 are repealed.

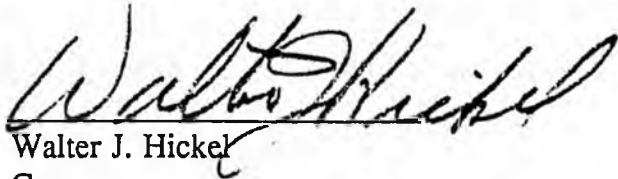
1 \* Sec. 5. Transition. (a) Litigation, hearings, investigations, and other proceedings pending under  
2 a law amended or repealed by this Order, or in connection with functions transferred by this Order,  
3 continue in effect and may be continued and completed notwithstanding a transfer or amendment or  
4 repeal provided for in this Order.

5 (b) Regulations adopted by the office of equal employment opportunity under authority of  
6 AS 44.19.443 before March 23, 1991, remain in effect until regulations are adopted under AS 44.21.502  
7 by the commissioner of administration, and take effect. The Department of Administration may enforce  
8 the regulations adopted under AS 44.19.443 until its own take effect.

9 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or repealed  
10 by this Executive Order, and in effect on March 22, 1991, remain in effect notwithstanding this Order's  
11 taking effect. Records, equipment, appropriations, and other property of agencies of the state whose  
12 functions are transferred under this Order shall be transferred to implement the provisions of this Order.

13 \* Sec. 6. This Order takes effect March 23, 1991.

14  
15 DATED: 1-21-91

16  
17   
18 Walter J. Hickey  
19 Governor

WALTER J. HICKEL  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 21, 1991

The Honorable Richard I. Eliason  
President of the Senate  
P.O. Box V  
Juneau, AK 99811

Dear President Eliason:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 78, relating to the transfer of the office of equal employment opportunity from the Office of the Governor to the Department of Administration, effective March 23, 1991.

Article III, sec. 22 of the Alaska Constitution requires that the functions, powers, and duties of the departments, offices, and agencies of government are to be grouped insofar as is practical according to major purposes. I submit this Order because I believe that placing the office of equal employment opportunity in the department charged with administering the state's personnel system, the Department of Administration, is in keeping with this requirement and will promote more efficient administration of the office's functions.

I urge your support of this Order.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel  
Governor

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

**FISCAL NOTE**

**BILL #**

No. 1

Bill Version: E-0.78

(S) Publish Date: 1-21-91

Revision Date: \_\_\_\_\_

Title: Executive Order Transferring EEO to

Department of Administration

Sponsor: \_\_\_\_\_

Requestor: Governor

Department Affected: Administration

BRU: Personnel

Component: Personnel

COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

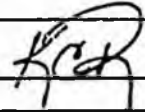
POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

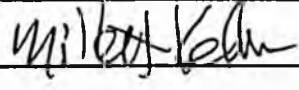
Estimate of current year impact: 621.8

ANALYSIS: (Attach a separate page if necessary.)

This executive order transfers the statutory responsibilities of the Office of Equal Employment Opportunity from the Governor's Office to the Department of Administration. This transfer will have no net fiscal impact on the State's operating budget. The transfer of funds between the Office of Equal Employment Opportunity and the Department of Administration is reflected on the G4 form of the Division of Personnel's FY 92 operating budget.

Prepared by: Kip C. Roloff   
Division: Personnel

Phone: 465-4430  
Date: 01/16/91

Approved by Commissioner: Millett Keller   
Agency: Administration

Date: 1/17/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

1

FISCAL NOTE

No. 2

Bill Version: E:0.78

(S) Publish Date: 1-21-91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Office of the Governor  
 Title: Executive Order transferring the BRU: Commissions and Special Offices  
Office of Equal Employment Opportunity Component: Equal Employment Opportunity  
to the Department of Administration  
 Sponsor: ROLES  
 Requestor: Governor COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)  
 Funding for the Office of Equal Employment Opportunity exists within the state operating budget. These funds will be transferred to the Department of Administration through the FY 92 budget process.

Prepared By: Michael A. Nizich, Director *M.A.N.* Phone: 465-3616  
 Division: Division of Administrative Services Date: 1-18-91  
 Approved by Commissioner: *[Signature]*  
 Agency: Office of the Governor Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

*2*



# Alaska State Legislature

## Senate

### Office of the Secretary

OFFICIAL BUSINESS

PO BOX V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

January 22, 1991

#### MEMORANDUM

TO: Senator Jalmar Kerttula, Co-Chair  
Senator Pat Pourchot, Co-Chair  
Finance Committee

FROM: Nancy Quinto *NQ*  
Secretary of the Senate

RE: Executive Order No. 78

The President has referred Executive Order No. 78 (to transfer the office of equal employment opportunity from the Office of the Governor to the Department of Administration) to your committee.

Section 23, Article III of the Constitution states:

The governor may make changes in the organization of the executive branch or in the assignment of functions among the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

Attachment

WALTER J. HICKEL  
GOVERNOR

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 21, 1991

The Honorable Richard I. Eliason  
President of the Senate  
P.O. Box V  
Juneau, AK 99811

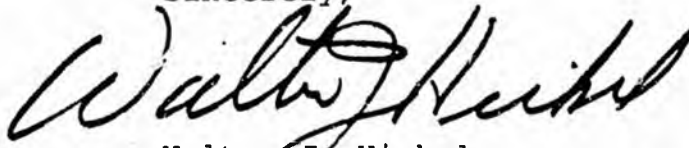
Dear President Eliason:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 78, relating to the transfer of the office of equal employment opportunity from the Office of the Governor to the Department of Administration, effective March 23, 1991.

Article III, sec. 22 of the Alaska Constitution requires that the functions, powers, and duties of the departments, offices, and agencies of government are to be grouped insofar as is practical according to major purposes. I submit this Order because I believe that placing the office of equal employment opportunity in the department charged with administering the state's personnel system, the Department of Administration, is in keeping with this requirement and will promote more efficient administration of the office's functions.

I urge your support of this Order.

Sincerely,



Walter J. Hickel  
Governor

FISCAL NOTE

Bill Version: E-0.78  
 (S) Publish Date: 1-21-91

STATE OF ALASKA  
 1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Office of the Governor  
 Title: Executive Order transferring the BRU: Commissions and Special Offices  
Office of Equal Employment Opportunity Component: Equal Employment Opportunity  
 to the Department of Administration  
 Sponsor: ROLES  
 Requestor: Governor COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Funding for the Office of Equal Employment Opportunity exists within the state operating budget. These funds will be transferred to the Department of Administration through the FY 92 budget process.

Prepared By: Michael A. Nizich, Director Phone: 465-3616  
 Division: Division of Administrative Services Date: 1-18-91  
 Approved by Commissioner: \_\_\_\_\_  
 Agency: Office of the Governor Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

Bill Version: E-0.78

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL #

(S) Publish Date: 1-21-91

Revision Date: \_\_\_\_\_  
Title: Executive Order Transferring EEO to  
Department of Administration  
Sponsor: \_\_\_\_\_  
Requestor: Governor

Department Affected: Administration  
BRU: Personnel  
Component: Personnel

COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

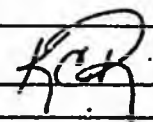
POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

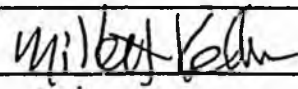
Estimate of current year impact: 621.8

ANALYSIS: (Attach a separate page if necessary.)

This executive order transfers the statutory responsibilities of the Office of Equal Employment Opportunity from the Governor's Office to the Department of Administration. This transfer will have no net fiscal impact on the State's operating budget. The transfer of funds between the Office of Equal Employment Opportunity and the Department of Administration is reflected on the C4 form of the Division of Personnel's FY 92 operating budget.

Prepared by: Kip C. Roloff   
Division: Personnel

Phone: 465-4430  
Date: 01/16/91

Approved by Commissioner: Millett Keller   
Agency: Administration

Date: 1/17/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



# Alaska State Legislature

Sen. Pat Pourchot, Co-Chairman  
Sen. Jay Kerttula, Co-Chairman



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

907-465-3712

Sen. Al Adams  
Sen. Jim Duncan  
Sen. Lyman F. Hoffman  
Sen. Dick Shultz  
Sen. Rick Uehling

## Senate Finance Committee

February 19, 1991

The Honorable Richard Eliason  
President, Alaska State Senate  
Alaska State Legislature  
Juneau, AK 99811

Dear Mr. President:

The Senate Finance Committee has considered the following Executive Order:

Executive Order 79, relating to the transfer of the Office of International Trade from the Governor's office to the Department of Commerce and Development.

There were no stated objections to this order by the committee members.

Respectfully,

Handwritten signature of Senator Pat Pourchot.

Senator Pat Pourchot, Co-Chair

Handwritten signature of Senator Jalmar Kerttula.

Senator Jalmar Kerttula, Co-Chair

Handwritten signature of Senator Jim Duncan.

Senator Jim Duncan

Handwritten signature of Senator Lyman Hoffman.

Senator Lyman Hoffman

Handwritten signature of Senator Al Adams.

Senator Al Adams

Handwritten signature of Senator Rick Uehling.

Senator Rick Uehling

Handwritten signature of Senator Richard Shultz.

Senator Richard Shultz