

937

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HB

584

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HB

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HB

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Sandy  
Straniger -

for your  
info re  
HB 584

Majorie

THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

February 12, 1980

BR 90675-Z  
Fairbanks, Ak. 99701

The Honorable Charles H. Parr  
Alaska House of Representatives  
Community and Regional Affairs  
Pouch V  
Juneau, Alaska 99811

RE: Opposition to H.B. 584

Dear Sir:

Concerning H.B. 584, "An Act eliminating third class borough", I oppose the bill. I understand a third class borough to be the simplest form of government for residents in a community to have in order for them to have a strong local government. It provides direct power to the people in which they have more direct power than people in a first or second class borough. I realize that the legislators understand the power of a third class borough, but I feel it is not as well understood by the people in general and that it is being misrepresented to the people. To think that in order to have a strong local government that it must be a large standardized complex governing body is, I feel, erroneous. When you have a complex government, people naturally tend to reject or lose the incentive to provide for themselves, due to high taxes and the forced understanding that the government knows what is best for you. To imply that a person does not know how to govern himself is a direct insult to their intelligence.

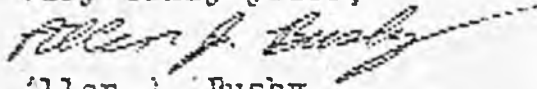
Working with the Salcha Secession Group, which is trying to detach from the Fairbanks North Star Borough, we are looking for a local government plan which will fit our needs. According to AS 20.03.030, there are five general law municipalities to choose from or become and Unorganized Borough. The residents of Salcha are looking at adopting a third class borough. I believe it will meet our needs better than the second class which now exists. Before the FNSB was formed, Salcha was a growing farming community in which the people were self providing. The community was involved in building a community hall; they were responsible for the establishment of the Salcha Elementary school; and provided the bus service for the elementary and high school students. Salcha residents brought power to the community and tried to build a Farmers loop road. When the taxation started, it was a financial strain to the Salcha farmers who were just making ends meet. The borough went so far as to tax potatoes in their root cellars. Some residents had to dismantle buildings on their farms because they could not afford to pay the taxes. All of this in order to provide services that already exist and these services are still mainly funded by the original source.

When the borough was being formed, Salcha tried to be excluded. At that time it was known that the FNSB could not provide for Salcha and it still cannot in the best interest of the borough.

residents and the State of Alaska. If Salcha were allowed to detach and form its own third class borough, the people would have the direct power to provide for themselves again. By eliminating third class borough, I find this an act of breaking down true local government powers of the people of Alaska. This especially applies to Alaskans of rural and bush Alaska who might choose this type of local government in order to meet their needs.

I am in strong opposition to House Bill 584 and cannot stress to you the importance of this bill being defeated.

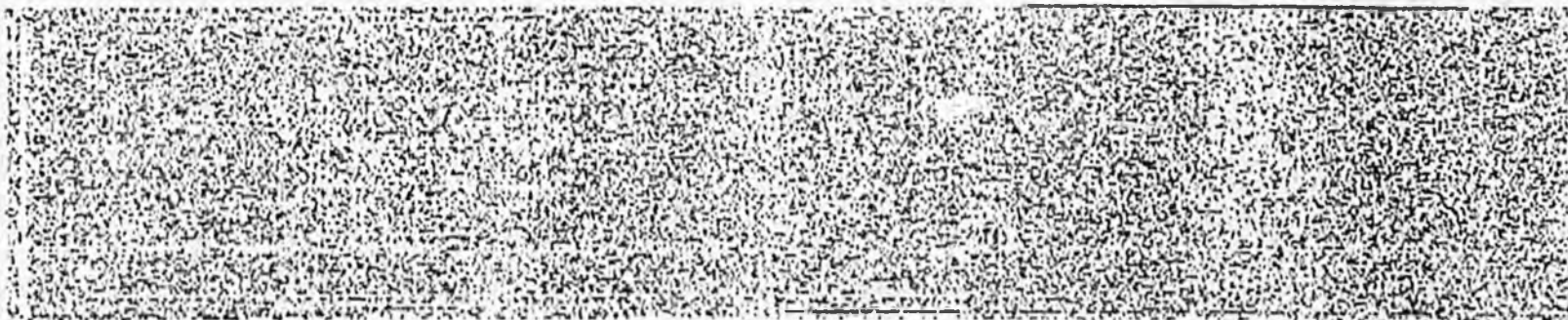
Very truly yours,



Allen J. Busby

cc: Parker, Bill  
Carney, Patrick J.  
Zharoff, Fred P.  
Branson, Margaret  
Metcalf, Ray H.  
O'Connell, Patrick M.  
Sturgulowski, Arliss  
Mulcahy, Bob  
Kelly, Tim  
Rodey, Patrick M.  
Stinson, Terry

Message phone: 488-2193 - evenings



THE PRECEDING DOCUMENT(S) MAY NOT FILM  
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ORIGINAL.

# HAINES BOROUGH

P.O. BOX H  
HAINES, ALASKA 99827

February 4, 1980

Palmer McCarter, Director  
Division of Community and Regional Affairs  
Pouch B  
Juneau, Alaska 99811

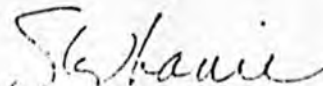
Dear Palmer:

I am enclosing two sets of correspondence concerning two "gray" areas for the third class Haines Borough:

- 1) Our relationship to the management and disposal of land received from the state through the municipal entitlement procedures; and
- 2) The status of the present "chairman" of the Haines Borough Assembly and School Board.

I know this is a very busy time of year for you but if you would look into both of these areas for me I would appreciate it very much. My basic concern with the question of the chairman is how do we elect a borough mayor at large and still maintain our present form of apportionment and representation? It would be nice to be able to deal with this issue this October before dealing with the new forms of representation and possible reapportionment as laid out in the 1979 amendments.

Sincerely yours,



Stephanie K. Scott  
Administrative Secretary

RECEIVED

FEB 08 1980

DEPT. OF COMMUNITY  
AND REGIONAL AFFAIRS

FROM THE DESK OF JUDGE CARL HEINMILLER  
HAINES, ALASKA

Feb.6th

Dear Palmer:

Please keep us informed on this bill!  
as we have a strong group in support of it..  
Chamber of Commerce..Optimum Government Com  
and other.

We hope the Legislature finally has the guts  
to kill this dumb Third Class Borough..

Regards,

RECEIVED

FEB 08 1980

DEPT. OF COMMUNITY  
AND REGIONAL AFFAIRS

HB534  
SB354

January 22, 1980

The Honorable Charlie Parr  
State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Parr:

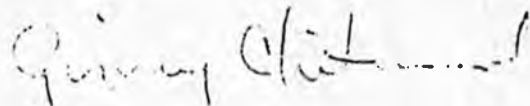
The Alaska Municipal League 1980 Policy Statement contains the following language on third class boroughs. "The League supports elimination of language from the Alaska Statutes which would allow for the future creation of third class boroughs. Any existing third class borough would be allowed to continue in existence until such time as it reclassifies. The League believes that a third class borough, as currently defined in statute, does not meet standards for a general purpose local government."

The third class borough filled the gap caused by the abolishment of the old independent school districts. Subsequent creation of rural education attendance areas, however, obviates the need for an entity, such as the third class borough, to provide local control over local educational districts.

In practice, the Haines Borough has encountered difficulties with the system under which it functions. For example, it is faced with a multitude of land use problems over which it has no statutory authority. In addition, the general local government problems that came before the assembly, and that in most cases cannot legally be resolved by the assembly, are interfering with that body's ability to perform its major function - running the Haines schools.

The League, therefore, is in favor of abolishing the third class borough form because it doesn't meet the maximum local self-government criteria set out in the Constitution, and from a practical point of view it doesn't seem to work.

Sincerely,



Ginny Chitwood  
Executive Director

FROM THE DESK OF JUDGE CARL HEINMILLER  
HAINES, ALASKA

Feb. 6th

Dear Bill:

This is a MUST...we are getting in more trouble every year. we have some people subdividing in the worst possible way...plus garbage dumps..shacks etc.

The hot shot developers who want to mine..and the loggers..want low taxes.. so are oddly enuf, lined up with the no growth people(or the shackers). The City is getting stuck with more and more services, which, while they could refuse ..such as fire serve, it is very difficult. someone burns out and then arrive in town for help etc.

I'd like to testify on this bill whenever it come up..

Regards,

*Typed 2/8/80  
Lee  
Heinmiller gave  
info re  
housing  
date*

Maj. Carl W. Heinmiller, Ret.

Indian Arts and Crafts Specialist

Box 271, Haines  
Alaska 99827

Home: 766-2471  
Business: 766-2160  
Magistrate: 766-2116  
Area Code: 907

Ex. Director: "Chilkat Dancers"

Feb. 6, 1980

Sen. Arliss Sturgulewski  
Chairperson  
Community and Regional Affairs  
State Senate  
Pouch V  
Juneau, Alaska

Dear Senator Sturgulewski:

I am writing in support of HB 584 which would eliminate the Third Class Borough. Over the last 30 years I have been on the School Board and involved with all the complications of the Special School District which finally became a "second thumb" under the State Constitution, i.e. a Third Class Borough. As the constitution required a limited strata of government, there should have never been a Third Class Borough. The making of such a form of government was a method to get out of a responsibility. I am happy to see the Legislature finally take on this change.

I'm enclosing a copy of the local paper which shows how a Third Class Borough, but adding on service district after service district, until it is in effect a Second Class Borough, or better. When a Fire District was setup several years ago, the Borough could not even get candidates to fill the require positions for the District. However, more areas are seeing that they can save considerable insurance by being under a Fire District, and now adding a medical service area. HOWEVER, what is happening is that the Borough Government is duplicating the City Government.

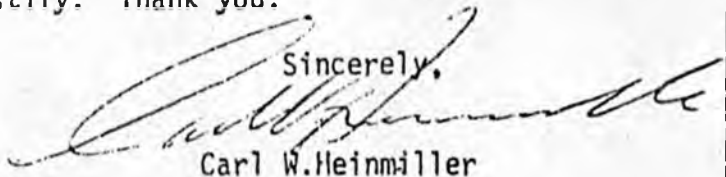
It is understandable that many people in the outlying area do not want to have zoning and planning because they do not want to be restricted. The result is many shacks, improperly subdivided lands, poor water and sewer control and in some areas, lacking of garbage control. The "hue and cry" is "we don't want more government", but these people accept all the services available by the City without paying anything for such service.

It is almost impossible to explain to some that they will only pay for what they get. They do not pay for City sidewalks, road maintenance etc. If they do not have water and sewer, they do not pay for this utility. We have the possibility of industrial development in the outreach area and should that happen under our present type Borough government, a hodgepodge of growth will develop. Of course, these developers see a great advantages of low taxations so side in with those who don't want any control on their own interests, even tho against the developers.

I hope that when this bill (or a Sen. companion bill) comes up for a hearing that I will have the opportunity to testify. Thank you.

CWH/p  
CC: Rep. Parker, Duncan, Miller  
Sen. Ray

Sincerely,

  
Carl W. Heinmiller

HB

627

Feb 1, 1980 Anch Times

# Short funds limit public defense

Associated Press

Juneau — The chief of the state Public Defenders agency told lawmakers Thursday that his office is extremely underfunded, with individual lawyers assigned roughly 2,600 cases a year.

"We're very underfunded...we're at 71 percent of the national standard," Brian Shortell told the House Judiciary Committee. His budget request for this year was cut by the Legislature, and Shortell said he was forced to eliminate all merit increases for his staff.

Shortell also told the panel the state should consider setting up a second agency to handle "conflict cases." Those are cases which the

Public Defender's office cannot handle because of ethical conflicts.

For example, if two people are charged with the same burglary and one of the defendants places the blame on the other defendant, the Public Defender staff could not represent both clients, Shortell said.

During the past few years the state has contracted with private attorneys to handle conflict cases, at a cost of nearly \$1 million a year.

Shortell said the cost of hiring a private lawyer to defend an indigent client is nearly double what it costs the Public Defender's office to handle the same client.

In an attempt to find a solution to that problem, Rep. Charlie Parr,

D-Fairbanks, has introduced a bill to set up a separate section within the Public Defender's office to handle conflict cases.

But Shortell said Parr's bill does not go far enough. He said conflict cases should be handled by a completely separate agency headed up by a different chief and funded separately from the current agency.

On a related subject, Shortell recommended the committee approve a bill introduced by the governor to require municipalities to pick up the tab for both prosecution and defense costs stemming from misdemeanor criminal cases.

At present municipalities are required to pay only prosecution costs, while the state pays for the defense of indigent clients. The change would cost Anchorage an estimated \$250,000 to \$300,000, he said, and

somewhat less for other cities depending on their size.

"Municipalities are famous for passing unconstitutional ordinances," Shortell said, such as "street sweeper" ordinances aimed at getting undesirables off city streets.

Shortell said if the municipalities knew they had to pay for both prosecution and defense costs they would take a closer look at their ordinances.

Several committee members disagreed with Shortell and said they think the state should continue to pick up the tab.

The panel did not take action on either bill.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 627

Title An Act relating to the Public Defender Agency

Requested by House Judiciary

Date Feb. 5, 1980

II. FISCAL DETAIL

Agency Affected Dept. of Administratio..

Program Category Affected Administration of Justice

Budget Request Unit(s) Affected Public Defender Agency

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			489.6			
200 TRAVEL			28.7			
300 CONTRACTUAL			109.5			
400 COMMODITIES			7.8			
500 EQUIPMENT			21.0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			656.6			

FUNDING (Thousands of Dollars)

GENERAL FUND			656.6			
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME			15			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This Fiscal Note has been prepared in accordance with Brian Shortell's testimony to House Judiciary (1/31/80). This testimony assumed that the conflict defender will not be part of the existing Public Defender Agency.

First Judicial Dist.:	Third Judicial Dist.:	Fourth Judicial Dist.:
Attorney III	Attorney IV	Attorney III
Investigator II	2- Attorney III	Investigator II
Leg. Secty. I	Attorney II	Leg. Secty. I
	Investigator II	
	2- Leg. Secty. I	Admin. & Support:
		Admin. Officer I
		Acctg. Tech. I

IV. DATE Feb. 5, 1980

PREPARED BY Bob Stokes, Admin. Officer

AGENCY Public Defender Agency

PHONE 279-7541

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) ✓

HB

632

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 29, 1960

SUBJECT: Litigation involving state action *H.B. 632*  
(Work Order No. 7697)

TO: Representative Ray H. Metcalfe

FROM: Billy G. Berrier *BGB*  
Director  
Division of Legal Services

This is, as you have noticed, a highly technical procedural bill. Any non-technical synopsis will of necessity be broad brush.

Essentially, the bill is directed toward preliminary proceeding when an action is brought in court to prevent action on a decision made by the state or an agency.

It requires that notice be given of a proposal by the state to award a contract in the amount of \$100,000 or more or to grant a permit where expenditures under the permit will be \$100,000 or more. If these notices are already given, no new requirements are imposed. (Sec. 09.50.510)

If a person wishes to go to court to enjoin action, he must have

- (1) raised the issue with the state agency which has responsibility for the action complained of and requested the agency to take the requested action
- (2) show that he has a real interest in the action complained of by showing there is substantial likelihood of a specific, personal injury if the action is carried out

and he must show specifically what his efforts to get the state agency to meet his demands have been. (Sec. 09.50.450)

January 29, 1980

If the grounds alleged in support of the action sought have been raised with the agency and found to be without merit or were not raised before the agency, the state may ask the court for an order requiring security to be posted (sec. 09.-50.460); the motion shall be heard by the court (sec. 09.50.-460) and the amount of security may include damages for actual or prospective breach of contract, extra costs from inflation caused by delay and other costs or damages, including costs of litigation (sec. 09.50.480). The state or an intervenor (another person who has an interest in the contract who has become a party to the suit such as a company to whom a contract was awarded) may request that the security be furnished.

When the action is terminated, the defendant may have access to the security as the court determines.

In the broadest summary:

- (1) The state must give notice of its actions where \$100,000 or more is involved.
- (2) A person must have an interest in the action that could create a personal and specific injury to him in order to bring suit.
- (3) The person bringing suit must have presented his objections and proposed alternative to the agency making the decision and must show that he has done so.
- (4) On motion of a party, security for damages, including inflation increases and costs of suit may be required from a party who did not present his claim to the state agency or who was ruled against by the state agency.
- (5) The security may be used to pay damages caused the suit.

I realize this broad brush summary omits significant conditions. It does not, for instance, deal with the time periods or the burdens of proof. Please let us know if a more detailed technical analysis is required.

BGB:jdn

HB

639

POSITION PAPER

HOUSE BILL NO. 639

"An Act authorizing the superior court to request reports by the Department of Health and Social Services in legal proceedings involving the welfare of children."

The Alaska Supreme Court has recently decided, in Granato vs. Occhipinti, that the superior court does not have the authority to order the Alaska Department of Health and Social Services, Division of Social Services, against its will to conduct a home study in a private custody dispute. House Bill No. 639 would give the court the authority to order the Department to conduct such home investigations. Currently, the Division is performing a limited number of investigations upon request. Whenever other resources are available to do the studies, those are often being suggested to the court. The Division thus provides studies where other resources are unavailable, or in cases in which the Division has had prior involvement. The number of requests varies from judicial district to judicial district, as well as within districts.

The key issue in the question of child custody investigations has not been addressed in this Bill, and that is the issue of funding. Many disputed custody cases are heard each year, and each report is time consuming to prepare. In Anchorage, the court employs a full-time custody investigator and has requested a second position in the coming year. It is estimated that a third position would be required to adequately handle the load for Anchorage alone. One additional full-time position would be required in Juneau, and the communities of Kenai, Kodiak, Ketchikan, and Wasilla, would require a half-time position each. In Fairbanks, the court is currently requesting a full-time court investigator position, as it is estimated that there is a sufficient caseload to keep one person busy full time. Supportive costs such as commodities, travel, contractual and equipment would also need to be allocated.

Since court investigators are currently employed within the court system, it is not clear why the Bill would have the Department conduct such studies, unless this Bill is a recognition that the current resources within the court system cannot handle the load. To transfer that responsibility to the Department of Health and Social Services does not deal with the question of staff support to provide those services.

Another related question which has not been addressed in this Bill is the assessment of costs against the litigants. Many of the parties to child custody disputes can afford to pay the costs of the required investigations. This is an option which should be considered. In addition, the parties might prefer to be served by private providers in any case.

In conclusion, the Department's position is to oppose this Bill for two main reasons: (1) it is preferable to handle requests informally as is currently the practice, with referrals being made to private providers wherever possible; and (2) the second, and most significant reason for opposition to this Bill, is the fiscal impact passage of this Bill would have on the Department. Implementation would require seven and one-half professional positions, one clerical position and additions to the other budget components to enable the work to be carried out. Such additions to the budget have not been approved by the Governor's Budget and Management Office nor by the Budget Review Committee.

RECOMMENDED BY:

Art Holmberg  
Art Holmberg, Director  
Division of Social Services

DATE:

1/8/80

APPROVED BY:

Helen D. Beirne  
Helen D. Beirne, Commissioner  
Department of Health and Social Services

DATE:

2/16/80

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 639  
 Title authorizing superior court to request reports by DHSS in legal proceedings...  
 Requested by \_\_\_\_\_ Date February 6, 1980

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Social Services  
 BRU, Program, or Subprogram(s) Affected Social Services. SCRO, NRO, SRO and SERO  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			269.2	293.4	319.8	348.6
200 TRAVEL			2.2	2.4	2.7	3.0
300 CONTRACTUAL			78.7	85.8	93.5	101.9
400 COMMODITIES			3.2	3.5	3.8	4.1
500 EQUIPMENT			8.1	0	0	0
600 LAND & STRUCTURES			0	0	0	0
700 GRANTS, CLAIMS, ETC.			0	0	0	0
TOTAL	-0-	-0-	361.4	385.1	419.8	457.6

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0
	0	0	0	0	0	0
	0	0	0	0	0	0

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

ASSUMPTIONS: This is based on an effective date of implementation of July 1, 1980, although no effective date is given on the Bill. FY 81 budget instructions were followed using 9% annual increase in all line items except 200 where 10.8% was used and line 500 which is a one time cost only.

Program Summary

1. Positions: 3 Social Worker III's in Anchorage  
 1 Social Worker III in Fairbanks  
 1 Social Worker III in Juneau  
 1/2 time Social Worker III in Ketchikan  
 1/2 time Social Worker III in Kodiak  
 1/2 time Social Worker III in Kenai  
 1/2 time Social Worker III in Wasilla

IV. DATE February 7, 1980 PREPARED BY Art Holmberg

AGENCY Division of Social Services

Original: Legislative Finance PHONE 455-3170

cc: Budget and Management

Prime Sponsor (First Legislator Named) renewed by Michael Oueland

33-001 (Rev. 12/78)

Division of Mgt & Budget  
DHSS 2/13/80

House Bill No. 639 FISCAL NOTE Continuation

2. Other Expenditures:

200 - Travel by taxi, limo, air taxi

300 - Office space, communications, insurance, equipment rental to include vehicles

400 - \$400 for supplies for each full-time position  
\$200 for each half-time position

500 - 9 desks, 9 chairs, typewriter, 3 file cabinets, 3 bookcases. This is a cost for FY 81 only.

THE SUPREME COURT OF THE STATE OF ALASKA

SAM J. GRANATO, DIRECTOR, )  
DIVISION OF SOCIAL SERVICES, )  
DEPARTMENT OF HEALTH AND )  
SOCIAL SERVICES, STATE OF )  
ALASKA, )

Appellant, )

v. )

THE HONORABLE C. J. )  
OCCHIPINTI, JUDGE OF THE )  
SUPERIOR COURT, THIRD )  
JUDICIAL DISTRICT, STATE )  
OF ALASKA, )

Appellee. )

File No. 3756

O P I N I O N

[No. 1962 - November 9, 1979]

Appeal from the Superior Court of the State of Alaska,  
Third Judicial District, Anchorage,  
C. J. Occhipinti, Judge.

Appearances: Thomas H. Robertson, Assistant Attorney  
General, Avrum M. Gross, Attorney General, Juneau,  
for Appellant. Max F. Gruenberg, Anchorage, for  
Appellee.

Before: Rabinowitz, Chief Justice, Connor, Boochever  
and Matthews, Justices, and Dimond, Senior Justice.  
[Burke, Justice, not participating].

MATTHEWS, Justice.  
BOOCHEVER, Justice, dissenting, with whom  
RABINOWITZ, Chief Justice, joins.

This appeal is taken from a judgment declaring  
that the superior court has the authority to order the  
Alaska Department of Health and Social Services, Division of  
Social Services, against its will, to conduct a home-study  
in a private custody dispute. We reverse.

The facts are not in dispute. Judge Occhipinti signed an order directing the Division of Social Services<sup>1</sup> to investigate the suitability of placing the parties' minor children with their mother in Anchorage. The order also directed the division to request that the appropriate Arkansas agency conduct a similar study of the mother's parents' home in Arkansas. The state was not a party to the custody proceeding and received no prior notice that the foregoing order was contemplated. The Attorney General's office informed the court that it had directed the Division of Social Services not to comply with the order, and then moved to quash it. A hearing to show cause and to argue the motion to quash was scheduled, but before it could be held the divorcing parties reconciled and the lawsuit was dismissed. Because the dispute surrounding the validity of the court's order was a continuing one, and likely to recur frequently in the future, the motion to quash was treated, by stipulation of the parties, as a complaint for a declaratory

---

1. Formerly the Division of Family and Children's Services.

judgment.<sup>2</sup>

The single issue properly before us is whether the superior court could constitutionally require the state to perform a home-study.<sup>3</sup> The Division of Social Services is a specialized unit within the Department of Health and Social Services, which department has been designated by AS

---

2. AS 22.10.020(b) provides in pertinent part:

In case of an actual controversy within the state, the superior court, upon the filing of an appropriate pleading, may declare the rights and legal relations of an interested party seeking the declaration, whether or not further relief is or could be sought.

See Alaska Pub. Util. Com'n v. Munic. of Anchorage, 555 P.2d 262, 264 n. 1 (Alaska 1976); Jefferson v. Asplund, 458 P.2d 995, 999 (Alaska 1969). See also Greater Anchorage Area Borough v. City of Anchorage, 504 P.2d 1027, 1036 (Alaska 1972).

3. The state's position is that the Division of Social Services is willing to cooperate with the courts and perform home studies in private litigation when requested, "subject to the constraints of available resources." The state, however, challenges the power of the superior court to "order these social workers to lay aside their normal duties and study the homes of private litigants."

44.15.010 as a "principal" department in the state government.<sup>4</sup> Article III, section 22, of the Alaska Constitution,<sup>5</sup> declares that the "functions, powers, and duties" of such a "principal" department shall be allocated "by law", a term that article XII, section 11, explicitly defines as meaning "by the legislature."<sup>6</sup> In addition, article III, section

---

4. AS 44.15.010(b) provides in pertinent part:

Offices and departments. There are in the state government the following principal offices and departments:

(6) Department of Health and Social Services.

5. Article III, section 22 provides:

Executive Branch. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

6. Article XII, section 11 provides in part:

Law-Making Power. As used in this constitution, the terms "by law" and "by the legislature," or variations of these terms, are used interchangeably when related to law-making powers.

See Warren v. Boucher, 543 P.2d 731, 733 (Alaska 1975).

23, permits the governor to "make changes . . . in the assignment of functions among . . . [the] units [of the executive branch] which he considers necessary for efficient administration."<sup>7</sup> The legislature may disapprove the governor's reallocation of functions. Id. The constitution vests no power in the judiciary to define the specific functions of these agencies, and in the absence of express authorization or an overriding constitutional imperative,

---

7. Article III, section 23 provides:

Reorganization. The governor may make changes in the organization of 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.

the judiciary may not bequeath such a power to itself.<sup>8</sup>

By the mandate of article III, section 22, the state legislature is without doubt empowered to direct the Department of Health and Social Services to assist a trial court in gathering information necessary to the court's intelligent fulfillment of its duties. Thus the legislature has commanded the department to investigate a child's background and the suitability of his or her prospective home,

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8. Cf. *Bradner v. Hammond*, 553 P.2d 1, 7 (Alaska 1976) (the constitution, by expressly delegating to the legislature the power to confirm the appointment of certain executive officials, must be read as precluding such a confirmation power with respect to other officials); *Public Defender Agency v. Superior Court*, Third Judicial District, 534 P.2d 947, 950 (Alaska 1975) (superior court violated separation of powers by commanding Attorney General to prosecute child-support case). See also *Bingler v. Johnson*, 394 U.S. 741, 750-51, 22 L.Ed.2d 695, 704 (1969) (court will not direct I.R.S. how to administer tax laws); *Velasco v. Immigration and Naturalization Serv.* 386 F.2d 283, 287 (7th Cir. 1967), cert. denied, 393 U.S. 867, 21 L.Ed.2d 136 (1968) (court would not lay down standards for H.E.W. to follow in administering statute); *Associated Builders & Contractors v. United States Dep't. of Energy*, 451 F.Supp. 281, 285 (S.D. Tex. 1978) (court can require Department of Labor to conform to its own rules, but cannot rewrite rules); *Desert Environment Conservation Assn. v. Public Util. Comm'n.*, 505 P.2d 223, 225 (Ca. 1972) (court may not compel agency to adopt particular procedures in preparing environmental impact report).

when the department is appointed to do so by a court presiding over an adoption proceeding;<sup>9</sup> has commanded the Commissioner of Health and Social Services to "make available to the superior court, where necessary, qualified probation officers and assistants;"<sup>10</sup> and, with respect to delinquent minors, has commanded the department to "submit a

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9. AS 20.15.100(d) provides in pertinent part:

[A]n investigation shall be made by the department or any other qualified agency or person designated by the court to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor.

AS 20.15.200 provides:

Persons who are caring for a hard-to-place child on a foster parent basis and who have applied to adopt the hard-to-place child and to receive payments for the care and support of the hard-to-place child shall be evaluated as to their suitability as adoptive parents by means of an adoptive home study. This home study shall be made by the commissioner's adoption staff or on his behalf by an authorized agency which provides adoption services.

The respective references are to the Department and Commissioner of Health and Social Services. AS 20.15.240(4) and (6).

10. AS 33.05.020(a).

predisposition report with a recommended plan of treatment to aid the court in its selection of a disposition, and any further information which the court may request."<sup>11</sup> The foregoing statutes address the department directly and by name.<sup>12</sup>

By contrast, the sole legislative directive relevant to the order given in the instant case states only that in a private custody dispute the court may order that "services be provided for the protection of the child." AS 09.65.130(a) and (c).<sup>13</sup> There is no implied grant of power to compel the performance of these "other services" by a state agency not wishing to perform them. Moreover, by

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11. AS 47.10.081(a).

12. See also AS 47.17.030(a), which provides that upon receipt of a report of child abuse "the department shall . . . investigate and take action, in accordance with law, which may be necessary to prevent further harm to the child or to insure the proper care and protection of the child," and AS 47.05.010, in which the legislature has delineated the general duties of the department.

13. AS 09.65.130(a) and (c) state that when divorcing parents notify the court that custody is at issue, the court may appoint an attorney and/or a guardian ad litem to represent the child, and "may further order that other services be provided for the protection of the child."

providing that the costs of such services will be assessed against the parties, and that the court may advance such costs to parties temporarily without funds, AS 09.65.130(b) suggests that it is contemplated that such services typically are to be performed by a private agency. Since in other statutes the legislature has seen fit to exercise its article III, section 22 authority over the department expressly, an implied exercise of that power will not easily be found in language that is directed only to the judiciary and uses no term even vaguely indicating an intent to make the department's resources available to the courts.

The appellee maintains that AS 47.10.020(a) authorizes a court to order the department to conduct a home-study investigation in a public custody proceeding, without referring to the department directly, and argues that a similar construction should be placed on AS 09.65.130 (a) and (c). The pertinent language in AS 47.10.020(a) provides:

Whenever a person informs the court of the facts which bring a minor within this chapter, the court shall appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken.

There is no analogy between this section and AS 09.65.130. Unlike the language of AS 09.65.130, the phrase "competent agency" is at least suggestive of the legislature's intent to include the department in the statute's scope. Chapter 10 of Title 47 is concerned with two distinct categories of children: delinquent minors, and children in need of aid, and in each case the state is directly concerned as a party to the litigation.<sup>14</sup> Thus while the paramount concern in both private and public custody proceedings is the best interest of the children involved,<sup>15</sup> the department is integrally a part of the latter proceedings and a likely agency for the legislature to regard as subject to appointment to conduct a home-study. The department has no role in a private custody proceeding unless information surfaces there triggering the state's involvement pursuant to AS 47.10.010. Finally, as noted supra, AS 47.10.081(a) directs the department to conduct predisposition hearing reports regarding delinquent minors. Since the reports to be done pursuant to AS 47.10.010(a) include reports pertaining to delinquent children, the specific designation of the department in subsection .081(a) is highly probative of the

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14. Flores v. Flores, slip op. #1875, pub. 7-13-79 at 12 (Alaska 1979).

15. See AS 09.55.205 (private custody proceedings); AS 47.10.082 (public custody proceedings).

meaning of "competent agency" in subsection .020(a). In conclusion, AS 47.10.020(a) does not support the inference that the vague directive of AS 09.65.130 empowers a court to command the aid of the Department of Health and Social Services in a private custody dispute.

Finally, the appellee argues that since the judiciary's obligation to provide for the best interests of the children whose custody it must decide exists independent of statute,<sup>16</sup> the means utilized by a court to fulfill that obligation are not limited to those specifically authorized by statute.<sup>17</sup> While this argument has merit with regard to the inherent authority of a court to see to it that a home-study is performed, it is not readily adaptable to the proposition that a court may compel a state agency to perform such a study contrary to its desires. Since there is no contention here that to adequately protect a child's interests a court must impinge on the constitution's deliberate, clear, and exclusive grant of power to the

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16. Public Defender Agency v. Superior Court, Third Judicial District, 534 P.2d 947, 949 n. 2 (Alaska 1975).

17. See Thomas v. State, 556 P.2d 630, 637-38 (Alaska 1977); Continental Insurance Cos. v. Bayless & Roberts, Inc., 548 P.2d 398, 410 (Alaska 1976).

legislature and governor to designate the functions of executive agencies, we discern no basis for implying the extraordinary judicial power suggested.

REVERSED.

BOOCHEVER, Justice, with whom RABINOWITZ, Chief Justice, joins, Dissenting.

I do not believe that the court should address the delicate issues presented by this appeal involving the relationship between the judiciary and executive branches of government. First, I do not believe that the dispute is ripe for our consideration. The actual dispute between the initial parties has been settled and is moot. While the issue is of considerable importance and might escape review, it comes before us in the posture of a declaratory judgment action, without any evidentiary hearing developing relevant facts. The majority concedes that the judiciary has inherent authority to see that a home study is performed, and it apparently also recognizes that the court has statutory authority to order such studies. Apparently, the majority believes that there are other resources than those of the Department of Health and Social Services (hereinafter, the Department) which may be called upon to perform such studies. I doubt that such other resources exist in most areas of Alaska, but in the absence of an evidentiary hearing, no conclusions can be reached on this important issue. Certainly, if the only available means for securing such studies is through the Department, the legislature in authorizing home studies must have intended they be performed by the Department.

Secondly, I am disturbed by the fact that no request was made of the Department prior to issuance of an order, although the Department has indicated that it is "willing to cooperate with the courts and, subject to the constraints of available resources, supply home studies when requested to do so." Before reaching the merits of an issue such as this involving the relationship between the different branches of state government, I would require that a request be made of the Department to perform the studies. Only upon a refusal of such a request, do I believe that it would be necessary for the court to issue an order and thus raise the issues here presented.

Since the majority has addressed the issues, however, and since I respectfully differ from its conclusions, I find it necessary to set forth my views on the merits.

Analysis of the issues in this case indicates that it is not disputed that the courts have the power to order home studies in private custody cases. Statutory authority either direct or implied may be found in a number of statutes. AS 09.55.205 provides in part that in actions for divorce or legal separation, the court may enter any "order for the custody of or visitation with the minor child which may seem necessary or proper. . . . The court shall determine custody in accordance with the best interests of the child."

Under AS 09.65.130, the court is requested to "determine whether the child should have legal representation or other services," and the court "may further order other services be provided for the protection of the child." Under AS 22.10.020, the superior court may issue "all . . . writs necessary or proper to the complete exercise of its jurisdiction." As the Department concedes, in its brief, there can be no question that ordering home studies falls within the broad scope of such statutory authority.

Even in the absence of such authority where a court has jurisdiction to determine custody matters, it may

order home studies in the exercise of its inherent equitable  
1  
authority.

There also appears to be no question but that the Department has statutory authority broad enough for it to provide such home studies in cases involving the welfare of children in private litigation. The Department, in effect, concedes such authorization by stating that it "is willing to cooperate with the courts and, subject to the constraints of available resources, supply home studies when requested to do so." The Department is required to administer laws

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1 Tumbleson v. Tumbleson, 73 N.E.2d 59 (Ind. App. 1947); Benjamin v. Benjamin, 370 S.W.2d 639 (Mo. App. 1963); Martinez v. Martinez, 165 P.2d 125 (N.M. 1946); Kumbartzki v. Kumbartzki, 329 N.Y.S.2d 156 (App. Div. 1972); Kessler v. Kessler, 225 N.Y.S.2d 1, 180 N.E.2d 402 (N.Y. 1962). In Boone v. Boone, 150 F.2d 153, 157 (D.C. Cir. 1945), the court stated:

We think that, for this purpose, in a custody case of the present character, the court, if possible, should call to its aid experienced and disinterested persons, such as its probation officers or the trained social workers in the Board of Public Welfare, to make an unbiased examination of the qualifications of these parents and of the circumstances which surround these children. We realize that the suggested procedure is new and one which the Court may very properly have hesitated to initiate on its own motion. But it is in line with well-recognized procedures in other cases in which the court acts as *parens patriae*. [footnote omitted]

relating to the improvement of child health. AS 18.05.010.  
This authorization would seem broad enough to include home investigations when issues so important to a child's physical and mental health as the child's custody and future care are involved.

There is clear express authority for the Department to make such investigations in adoption procedures

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2 AS 20.15.100(d) specifies:

Except as provided in (g) and (i) of this section, an investigation shall be made by the department or any other qualified agency or person designated by the court to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor.

See also AS 20.15.200.

and in proceedings involving delinquent children or children  
in need of supervision.<sup>3</sup>

In 1977, the legislature adopted the Uniform Child Custody Jurisdiction Act applicable in private custody disputes. AS 25.30.180(a) authorizes the superior court to request the court of another state to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state. AS 25.30.190(a) provides that, upon request of a court of another state, the superior court may order social studies to be made for use of custody proceedings in another state. It seems clear to me that the legislature, in providing that

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3 AS 47.10.020(a) provides:

Whenever a person informs the court of the facts which bring a minor within this chapter, the court shall appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken. Upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts. Where the court informally adjusts or disposes of the matter, the minor may not be detained or taken into the custody of the court, and the matter shall be closed by the court upon adjustment or disposition.

the court may order social studies, intended that the state agency with the necessary expertise and general authority for making those studies, be subject to those orders.

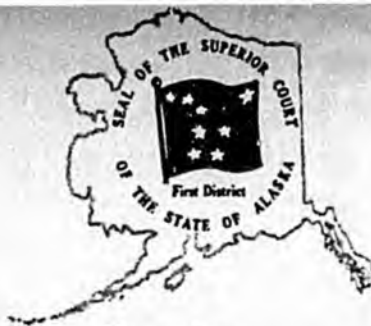
I cannot believe that the legislature intended that such studies may be made at the request of out-of-state courts, but not at the initiation of Alaska courts in domestic custody disputes. In fact, it seems to me that such an interpretation of our laws involves a discrimination against Alaskan children of like circumstances dependent on the jurisdiction where the child custody dispute arises, in violation of Alaska's constitutional equal protection provision, article I, section 1 of the Constitution of the State of Alaska. In other words, one child is entitled to the benefits of the social studies if the request comes from another state, while another child undergoing the same living accommodations and care, is not entitled to studies by the state agency with the necessary expertise because the order originates from the Alaska court. I do not think, however, that it is necessary to reach the constitutional issue, since our statutes should not be construed to reach such an incongruous result.

I believe when Alaska's statutes are considered in *pari materia* that it is abundantly clear that the superior court is empowered to order home studies in private child

custody disputes, and that the Department is authorized to  
perform those studies.<sup>4</sup>

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4 The majority refuse to require that costs of the services be assessed against the parties as a reason for believing the legislature did not intend the services be performed by the Department. There is no reason why the Department may not present to the court its statement for services rendered. The court may then assess those costs against the parties.



Superior Court

State of Alaska

FIRST JUDICIAL DISTRICT  
415 MAIN STREET, ROOM 402  
KETCHIKAN, ALASKA 99901

Chambers of  
THOMAS E. SCHULZ, Judge

February 8, 1980

Hon. Charles Parr, Chairman  
House Judiciary Committee  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

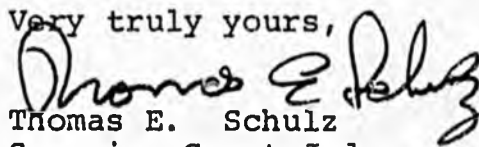
Re: H. B. 639

Dear Representative Parr:

I have had an opportunity to review H. B. 639, and I am writing to urge that the Legislature give favorable consideration to this legislation.

In Ketchikan I have had excellent cooperation from the Division of Social Services regarding home studies in divorce litigations where child custody is in issue but the Division of Social Services is not otherwise involved in the case. In other words, they have been willing and able to provide us with these reports on our request. However, a recent Alaska Supreme Court decision held that the court could not order the Department to furnish such a report. I believe that H. B. 639 will clarify this issue and I believe that it is an important piece of legislation because these home study reports covering both parents and frequently other alternatives are very helpful and frequently lead to resolution of this type of litigation without the necessity and expense of a trial.

Very truly yours,

  
Thomas E. Schulz  
Superior Court Judge

TES:ri

HB

644

(9)

# COMMITTEE REPORT

## HOUSE

1/30/80

FURTHER: FINANCE

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

Mr. Speaker:

The Committee on JUDICIARY has had HB 644

"An Act creating the Alaska Statehood Commission; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

T. Buckholtz

Wesley Anderson

J. Malone

Charles Pan

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

None

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Charles Pan

CHAIRMAN

(Revised)

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
Bill/Resolution No. HB 644 Alaska Statehood Commission  
Title \_\_\_\_\_  
Requested by Rep. Parr Date Feb. 29, 1980

II. FISCAL DETAIL  
Agency Affected Alaska Statehood Commission  
Program Category Affected General Government  
BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		141.1				
200 TRAVEL		60.0				
300 CONTRACTUAL		175.0				
400 COMMODITIES		0.4				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		-0-				
OTHER*		30.3				
TOTAL		406.8				

FUNDING (Thousands of Dollars)


GENERAL FUND		406.8				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

\* \$30.3 To Alaska Division of Elections, Office of Lt. Governor.

IV. DATE Feb. 29, 1980 PREPARED BY Rep. Brian Rogers   
AGENCY \_\_\_\_\_  
PHONE \_\_\_\_\_  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 644 Alaska Statehood Commission  
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Agency Affected Alaska Statehood Commission  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		141.1				
200 TRAVEL		28.1				
300 CONTRACTUAL		258.9				
400 COMMODITIES		0.4				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		-0-				
Other*		30.3				
<b>TOTAL</b>		<b>461.8</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		461.8				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

\* \$30.3 To Division of Elections, Office of Lt. Governor

IV. DATE Feb. 29, 1980 PREPARED BY Rep. Brian Rogers *BR*  
 AGENCY \_\_\_\_\_  
 PHONE \_\_\_\_\_  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

*CS taken to IA 7:50 pm 9/20/80 29*

Introduced: 1/30/80  
Referred: Judiciary and Finance

BY ROGERS, ANDERSON, BUCHHOLDT, BARNES,  
BEIRNE, BETTISWORTH, CARNEY, FREEMAN,  
FULLER, HALFORD, HAYES, HURLBERT,  
METCALFE, MILES, MOSS, MUNSON, O'CONNELL,  
PARR AND RANDOLPH

1 IN THE HOUSE

2 HOUSE BILL NO. 644

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska Statehood Commission; and  
7 providing for an effective date."

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

9 \* Section 1. FINDINGS AND PURPOSE. The people of Alaska seek reasonable  
10 self-control of their lives, land and water, fish and wildlife, and trade and  
11 commerce. The legislature finds that the current relationship of the people  
12 of Alaska to the United States inhibits the achievement of that goal. The  
13 purpose of this Act is to study the status of the people of Alaska within the  
14 United States and to recommend appropriate changes to that status.

15 \* Sec. 2. AS 44.03 is amended by adding new sections to read:

16 ARTICLE 2. ALASKA STATEHOOD COMMISSION.

17 Sec. 44.03.100. ALASKA STATEHOOD COMMISSION. The Alaska Statehood  
18 Commission is established to study the status of the people of Alaska  
19 within the United States and to consider and recommend appropriate  
20 changes in the relationship of the the people of Alaska to the United  
21 States.

22 Sec. 44.03.110. DUTIES. The commission shall study, *hold public hearings throughout the state,* review, and  
23 report to the legislature and to the people of the state on

24 (1) progress made in implementing the Alaska Statehood Act  
25 and the likely nature of its implementation in the future;

26 (2) recent experiences of other states and peoples under the  
27 American flag in their relationships with the United States;

28 (3) the structures of foreign federations, including their  
29 methods for changing forms of association;

1 (4) alternative forms of association possible between the  
2 people of Alaska and the United States) *and the possibility of disassociation;*

3 (5) the legal basis for new forms of association between the  
4 people of Alaska and the United States, including amendments to the  
5 constitutions of the United States or of the state of Alaska;

6 (6) other matters the commission considers germane to its  
7 purpose.

8 Sec. 44.03.120. MEMBERSHIP. The commission shall consist of nine  
9 members. One shall be appointed by the governor; one shall be appointed  
10 by the chief justice of the supreme court; one shall be appointed by the  
11 presiding officer of each house of the legislature; one shall be  
12 appointed by the lieutenant governor; and one shall be elected from each  
13 judicial district of the state at the next statewide election.

14 Sec. 44.03.130. TERM. The term of the members of the commission  
15 begins 30 days after the certification of the election of elected  
16 members of the commission by the lieutenant governor and expires on  
17 submission of the final recommendations by the commission.

18 Sec. 44.03.140. VACANCIES. A vacancy in the membership of the  
19 commission shall be filled by the authority that made the vacated  
20 appointment. The governor shall fill vacancies in seats held by elected  
21 members.

22 Sec. 44.03.150. POWERS. (a) The commission may employ profes-  
23 sional, legal and other staff assistants and enter into contracts for  
24 goods and services.

25 (b) Members of the commission are entitled to expenses, travel,  
26 and per diem allowances provided by law.

27 (c) Agencies of the state shall provide the commission with infor-  
28 mation requested by it.

29 Sec. 44.03.160. REPORTS, HEARINGS AND RECOMMENDATIONS. (a) The

1 commission shall make a preliminary report to the legislature within the  
2 first 10 days of the Second Session of the Twelfth Alaska Legislature.

3 (b) The commission shall and committees of the legislature may  
4 hold hearings on the preliminary report throughout the state.

5 (c) The commission shall submit its final recommendations to the  
6 legislature within the first 10 days of the First Session of the Thir-  
7 teenth Alaska Legislature.

8 Sec. 44.03.170. CERTAIN INTERESTS PRESERVED. If the commission  
9 recommends that the legislature seek a new relationship between the  
10 people of Alaska and the United States, the legislature intends that  
11 interests created under the Alaska Native Claims Settlement Act and  
12 other laws for the protection and benefit of Alaska natives and the  
13 legitimate interests of the United States in the land, resources, and  
14 defense of Alaska be preserved.

15 Sec. 44.03.180. ELECTION. (a) The lieutenant governor shall  
16 conduct the election of members of the commission at the first statewide  
17 election held 90 days after the effective date of AS 44.03.100 - 44.03.-  
18 200. The election shall be held under the provisions of AS 15 except to  
19 the extent that those provisions are inconsistent with (b) of this  
20 section.

21 (b) Provisions for the election held under this section are as  
22 follows:

- 23 (1) the election will be nonpartisan;  
24 (2) candidates will file nominating petitions containing not  
25 less than 250 signatures not less than 60 days before the date of the  
26 election at which they will be elected;  
27 (3) no filing fee is required;  
28 (4) a separate ballot will be used.

29 (c) The lieutenant governor may adopt regulations to implement the

1 provisions of this section.

2 Sec. 44.03.200. DEFINITION. In AS 44.03.100 - 44.33.200 "commis-  
3 sion" means the Alaska Statehood Commission.

4 \* Sec. 3. AS 44.03.100 - 44.03.200, enacted by sec. 2 of this Act, are  
5 repealed July 1, 1983.

6 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-  
7 070(c).

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## On Potential avenues for a d-2 Strategy

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As the situation deteriorates in Washington D.C., it becomes increasingly apparent that a consensus is developing to resist passage of any legislation and to struggle with litigation on the application and regs of the Antiquities Act. Given this set of circumstances, a number of thoughts occur which could be pursued if they led toward the consensus goal.

(1) Changed Relationship Resolution. As a result of the application of the Antiquities Act, and contemplated House legislation in HR39, the State Legislature may want to state in a resolution that the actual status of Alaska as an equal constitutional member of the union has been brought into question. The land arguments utilized to make this case need not have solid legal meaning -- this is a political thing. It's like Quebec saying its relationship is changing with the federation.

(2) Commission on the Status of Alaska. The government could unilaterally form, or form in conjunction with the federal government, a Commission on the Status of Alaska. This would be similar to Commissions set up to study the relationship of Puerto Rico and Guam to the USA. Since the federal government will not want to entertain such a body the likelihood is that it would have to be set up unilaterally in Alaska; nevertheless, this is how the previous commissions were originally set up in the Commonwealths.

(3) The Alaska public could be presented with Advisory Public Opinion Questions -- in local and statewide elections -- to gauge their opinions on the changing nature of the relationship with the USA. One example:

WHICH OF THE FOLLOWING STATEMENTS BEST REFLECTS THE RELATIONSHIP BETWEEN ALASKA AND THE UNITED STATES IN TERMS OF YOUR EXPERIENCE AS A RESIDENT HERE:

- (a) FULL AND EQUAL TREATMENT AS THE RESIDENT OF ANY STATE IN THE UNION
- (b) INCCMPLETE AND INEQUAL TREATMENT BASED UPON RESIDENT USE AND ACCESS TO FEDERAL LANDS IN ALASKA, AND THE NON-TRANSFER OF PROMISED LANDS TO THE STATE
- (c) COLONIAL STATUS

Alaskans could also be asked whether they consider themselves a citizen, first and foremost, of the U.S.A., or Alaska. Alaskans could be asked to describe Alaska with one of the following words: state, territory, colony. And so on.

The effect of this in news would be quite devastating in world media, since it resonates with what Quebec is doing in Canada, the Basques in Spain, the Flemish in Belgium, the Scottish devolution question, the Irish issue, and so on. It also widens the scope of the d-2 question so that Vance and Andy Young see Alaska as a major problem.

(4) Begin an initiative campaign to create the Commission on the Status of Alaska, or some related matter. Raise money in the private sector, run a campaign.

(5) Send delegations to Mexico and Japan again and open the questions of energy on an informal, but unilateral basis. Tell everyone that's what Alaska is doing -- just exploring avenues for possible action.

(6) Promote a symbolic case, perhaps of a Native Alaskan family, which refuses to pay income tax to the USA, except under protest, because the taxpayer insists that he has been denied equal citizenship, and the relationship with the USA is unclear.

(7) Run a campaign in Alaska to get as many Alaskans to join the tax-payment-under-protest movement as possible. The campaign theme is already written: "Taxation without Representation is Tyranny."

(8) Have the U. N. Committee on Colonialism study the Alaska case and propose a resolution to the full body determining whether Alaska is a colony or a state. This may sound unusual but this same UN Committee, which is populated by third-world nations, passed a resolution several years ago naming Puerto Rico as a colony of the USA, over the protests of both Puerto Rico and Washington. The resolution, as I remember, did not get to the UN floor, but the stories in the New York Times and Washington Post were, to say the least, embarrassing.

(9) Open up direct negotiations between the State of Alaska and Japan on the potential Japanese investment in the gas pipeline. Send a delegate to the next OPEC meeting as an observer. Send a delegate to the next Pacific Rim nations economic roundtable. And so on, and so on.

(10) Establish the "status" issue as the prime topic for the next constitutional convention in Alaska, and develop alternative plans and proposals for constitutional definition of the new relationship. The constitutional convention may just be interested in calling Alaska's relationship with the USA, a "free associated state" -- and not a state in the union. On those grounds, Alaskans could excuse the behavior of the federals if they act with a colonial bravado, because we would accept partial-territory status. On the other hand, such a status could provide for more freedom in the state, greater access to lands and resources, and more sovereignty in our relationship to foreign nations, especially those who surround the state geographically.

#### SUMMARY

It seems to me that we are losing in the lower court (Congress) and an effort has to be made to make the Alaska case elsewhere. Only if the "best effort" is made to make the Alaska case, will resistance to the eventual law on federal lands be reduced. At the moment, that resistance appears

to be escalating at an alarming rate. It does appear that the Antiquities Act will hold, but a major bargaining point is in writing the regulations -- a process which could be affected by this "status" campaign. If a bill passes which looks anything like HR39, the Interior Department will have to write the regulations again, and the struggle continues.

By enlargening the question to an issue of status, Alaska can take its case, through news, to world opinion. There are a lot of people who will support Alaska -- all over the world -- if it appears that the people here are struggling to resist the manipulations of a foreign power. This can be done in a friendly way, and in fact the State could act tongue-in-cheek through the whole thing. But no question, the Alaskan public will respond in public opinion advisories, initiatives, even the tax protest, if they are organized. And this will make international news.

In 1980, that could become a Presidential campaign issue relating to the way the West votes. If Panama can be a campaign issue in 1976, Alaska can surely be such an issue in 1980. To some, it may not be

worth it to put up this kind of struggle against the d-2 bill, but as I see it, the struggle is going to happen anyway -- among the people -- so the question is, does the government want to help it along, retard it, or avoid the issue altogether. This is something that only time will tell.

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TESTIMONY ON HOUSE BILL 644  
ALASKA STATEHOOD COMMISSION  
prepared and submitted

by

GREGG ERICKSON

to

The Alaska State Legislature  
House Judiciary Committee  
The Hon. Charles H. Parr, Chairman

February 28, 1980

If there is one thing that Alaskans and Secretary Andrus agree on it is that relations between Alaska and the Federal government have never been as strained as they are today. Secretary Andrus describes it as a "state of seige", and most Alaskans would probably agree with that description. That relations between our two governments should be at this unprecedented nadir is remarkable, since one could certainly argue that Alaska is no stranger to ill conceived federal interference. The late Ernest Gruening's book, The State of Alaska, is more or less a catalog of these incursions during the pre-statehood era.

Looking back at 1958, when the U.S. Senate approved the Alaska Statehood Act, I can recall the sense of euphoria that pervaded the state. Although only seventeen at the time I, like many others, was swept up in the rejoicing that the long colonial era had finally come to an end.

Today, the remembrance of that excitement is like ashes in the mouth, for it has been replaced by widespread cynicism about whether we did in fact become an equal partner in the union of states. The reason for this cynicism is obvious: The federal government appears to have successfully and unilaterally revised the terms under which we thought much of Alaska's land and natural resource wealth was to come under the control of the people who live in this state, terms which formed a part of the Statehood Act, the compact between Alaska and the United States.

Because of the dominance of the lands issue in Alaska's consciousness, it's easy to loose sight of the many other areas where Alaska's ability to chart its own destiny has been similarly reduced by the federal government. For

example, the legislature has been trying for many years to find a method of using the state's resources to reduce its chronic unemployment problem. Each try has been largely frustrated by judicial interpretations of the Federal Constitution. As far as we know, no other state shares this particular problem. Nevertheless, it is fair to say that all the states, to one extent or another, have seen the handwriting on the wall, and are concerned with the erosion that is taking place in the powers that have been traditionally reserved to the states.

Alaskans can generally be divided into three groups based on their attitudes toward the increasing dominance of the federal government. First, there are a few people who really don't mind the federal incursions, perhaps because current federal attitudes on land issues coincide with their own view of how Alaska should develop. The second group are the majority of Alaskans who seem to think that it is probably hopeless to do anything more than conduct rear-guard actions against a trend that has the full weight and power of the federal government behind it. Third, at the other end of the spectrum are a small but increasing number who advocate the final solution--secession.

So far, at least, the secessionists really haven't been taken seriously, either inside Alaska or Outside. The basic reason for this is that though they may be serious about it, secession itself is not really a serious proposal. Alaska simply doesn't have the kind of cultural and economic cohesiveness necessary to make an independent nation a viable proposition. For better or worse, we are Americans.

Those of us who support formation of an Alaska Statehood Commission firmly

believe not only that the relative roles of Alaska and the federal government should be changed, but that the people of Alaska can put together a concrete plan for determining how that change should proceed and then actually work constructively to bring it about. Thus, what we propose is a two-fold process under which we will systematically examine what is best both for our state and nation, and under which we will lay the groundwork for bringing about that change.

Some people have criticized the notion of creating a commission on the Alaska statehood issue as simply another effort to paper over a problem by studying it to death. Well, the fact is the problem needs a lot of study and a lot of discussion among Alaskans before we can be sure that we have found solutions which are both practical and supported by the majority of Alaskans. Remember, we're not simply trying to get the feds off our lands, but rather to redefine the relationship between us and the federal government. That itself is a subject about which not much serious thought has been given.

The fact that careful study combined with public awareness and discussion can come up with innovative and viable solutions can be seen in what happened when America extended its fisheries jurisdiction to the 200 mile limit. We now have what amounts to a new kind of government over that area around Alaska, managed by the regional councils, and although the solutions are not perfect, most Alaskans seem to be generally satisfied with the results.

Although it is most important to get Alaskans thinking about these matters, it is unlikely that we will accomplish much of long-term value unless we can enlist the support of other states and other regions. Just as Nevada

has taken the lead in the narrower issue of state sovereignty over public lands, and been followed by other states -- including Alaska, we are confident that other states will follow Alaska if it initiates a fundamental re-thinking of its role in the federal union.

In fact, Alaska may not be the first jurisdiction under the American flag to have tackled these issues. The Commission on the Status of Puerto Rico has been looking at these same matters, albeit in the context of their own special circumstances and needs. The people of Guam recently rejected a referendum on the proposed constitution that had been largely dictated to them by the federal government. Our sister state of Hawaii has been seriously considering seeking ways that would allow them some say over the rate of immigration into their island state, and have been considering constitutional change as a fundamental means of achieving this.

Even if Alaska didn't have its special problems to contend with, it would still be appropriate for us to establish the Statehood Commission. The federal union is not the same today as it was 50 years ago or even 10 years ago, and regardless of what we do, it will continue to change in the future. As that change takes place it is imperative that we as a people understand the effects those changes will have on us and where our interests lie with respect to them.

For example, few of us realize that some time in the 1980's there is very likely to be a U.S. Constitutional Convention. Article V of the U.S. Constitution provides that "on the application of the legislatures of two thirds of the several states [the Congress] shall call a [constitutional] Convention...." So far, 34 of the required 37 state legislatures have adopted

7  
resolutions calling for such a convention. Most of these calls have specifically mentioned the issue of tax-limitation, but prevailing legal opinion holds that once a convention is assembled it can consider anything it chooses. Whatever one may think about the advisability of a U.S. Constitutional Convention, it seems likely that we will have one. As such, it is only prudent for us to begin thinking about where our interests lie in respect to that convocation. The Alaska Statehood Commission provides an ideal forum for initiating the necessary dialog among Alaskans, a forum in which they will have a chance to focus on the role of Alaska in the nation's future.

The creation of the Alaska Statehood Commission by the legislature will also have immediate and highly beneficial effects in our current problems with Congress. Most of the people who sit in Congress simply don't understand the depth of feeling in Alaska concerning what has been done to us lately. By adopting the Statehood Bill the legislature can help the Congress of the United States understand that the common heritage which binds this nation together is not a fabric that can be stretched indefinitely, that continued federal encroachment runs a real risk of tearing that fabric. The Commission will no doubt generate substantial national publicity. Congressmen hearing of it will realize that it is not rebellion that could bring about tears in that fabric, but the peaceful, rational and democratic response of peoples who increasingly feel that their government is no longer interested in their special needs and cultures. In short, the creation of the Alaska Statehood Commission will send Congress a clear and unmistakable message of the sort they have never heard before, a message which cannot help but influence their actions on issues of importance of Alaskans.

There are plenty of historical precedents to indicate that this will be the case. Every region within a federal democracy that has agitated for greater self government has ended up better off as a consequences of that agitation. On our own continent, Quebec has gained important concessions from the Canadian federal government, not only in language and educational rights, but in economic areas as well. The Basque provinces of Spain last year won a high degree of self government from the Spanish central government, and now have their own parliament and flag while still remaining an intergrated part of the Spanish nation. The list of others is fairly long: Greenland has just this year won self government in all areas except foreign policy and defense, and has gained greater economic support from the Danish government, as have the Faroe Islands in the North Atlantic.

Within the United Kingdom, Scotland has finally started to profit from the discovery of oil resources off its shores due to the peaceful and democratic agitation of the Scottish "Separatist" Party. The example here may be particularly significant for Alaska, since the "Separatist" Party has really never advocated separation from the United Kingdom nor has it ever resorted to non-democratic means to obtain its goal. There is every reason to expect that passage of the statehood legislation will bring about a similar response by the federal government.

Finally, the very best reason for supporting the statehood legislation is that it will be good for the nation as a whole. For better or worse, we are Americans. As Americans we Alaskans have a responsibility to work not just for ourselves but for all our fellow citizens. One of the most important things in making America a strong and tolerant nation has been our willingness and ability to accept diversity and to gain strength from that diversity. If the states are to be extinguished as a vital and viable source

of implimenting that diversity then our nation will have suffered a grievous loss.

Perhaps Alaska has an historic chance to initiate the process whereby the federal government is, in effect, saved from itself. If you will take a dime or a penny out of your pocket you will note that it has emblazoned thereon the nation's motto: "E Pluribus Unum". "One out of many". The Alaska Statehood Commission will be a concrete step to insure that the Many do not disappear into the faceless One, and that this basic principal remains a part of our nation's heritage.

HB

668

(9)

# COMMITTEE REPORT

## HOUSE

2/4/80

FURTHER:

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

Mr. Speaker:

The Committee on JUDICIARY has had HB 568

"An Act providing for correctional industries; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_  
CHAIRMAN

HB 668

February 4, 1980

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

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill to provide for the creation of certain industries within our present correctional system. The purpose of the bill is to provide appropriate employment for prisoners consistent with proper penal administration, and to direct prisoner effort toward self-betterment and financial responsibility.

The commissioner of health and social services would be empowered to establish the necessary mechanisms for correctional industries. Marketing of industry products (both goods and services) could be accomplished through existing state departments and agencies or to private non-profit organizations. Costs for the goods and services provided will be determined by the commissioner and the program would be exempted from collective bargaining and the provisions of AS 23.

Wages for work done by prisoners will be determined by the commissioner and will be credited to the individual prisoner. Disbursement of a portion of these wages will be made so as to allow the state to recover any related violent crime compensation award made, and to pay any court award against the prisoner for damages arising out of the criminal conduct or restitution order. The prisoner could also be made to pay for care of his dependents. The prisoner may then opt to buy personal items, pay pre-existing debts, retain the balance of his earnings until his release, or for another proper purpose.

An advisory board would be established to advise the commissioner. The board would have representatives from business, labor, the public, and state government. A special account in the general fund is also established to receive funds recovered from the marketing of correctional industries. The legislature may appropriate funds from that account for the purpose of financing the correctional industries program.

It is suggested that, if this bill passes, the revisor of statutes should relocate the "general provisions" article of AS 33.30 to the end of that chapter.

Sincerely,

S/JS H

Jay S. Hammond  
Governor

I. REQUEST  
 Bill/Resolution No. HOUSE BILL NO. 668 (Page 1 of 2)  
 Title Prison Industries Program  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL Department of Health and Social Services  
 Agency Affected \_\_\_\_\_  
 Program Category Affected Administration of Justice  
 BRU, Program, or Subprogram(s) Affected Adult Confinement  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES			200.8			
200 TRAVEL			2.7			
300 CONTRACTUAL			5.6			
400 COMMODITIES			12.4			
500 EQUIPMENT			15.0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>			<b>*236.5</b>			

FUNDING (Thousands of Dollars)

GENERAL FUND			236.5			
FEDERAL FUNDS			-			
OTHER (Specify Fund Source)			-			


POSITIONS

FULL TIME		*	6			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

- \*Five (5) positions to implement Initial Phase are included in the FY 1981 operating budget. These positions and related costs are not reflected in this fiscal note. Development of a sound prison industries program will be initiated with this core staff.
- Additional positions are needed to implement the long range plan. Six (6) are requested for FY 1982 to expand the program beyond Palmer Correctional Center. The position costs are based on FY 1981 budget instructions plus 7% estimated inflation for the ensuing year.

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

  
 Prepared by: Roger Lange Date: 1/11/80  
 Division/Office: Corrections PH: 465-3376  
 Department of Health & Social Services

The six (6) positions, with related costs, are identified, as follows:

<u>Title</u>	<u>Salary &amp; Benefits</u>	<u>Other related costs</u>	<u>Total</u>
a. Industry Manager (Palmer) R/19	\$ 38,000	\$ 3,800	\$41,800
b. Planner/Analyst III (Juneau) R/17	33,400	3,100	36,500
c. Shop Supervisor (Fairbanks) R/16	35,800	1,100	36,900
d. Shop Supervisor (Juneau) R/16	31,200	900	32,100
e. Shop Supervisor (Anchorage) R/16	31,200	900	32,100
f. Shop Supervisor (Eagle River) R/16	31,200	900	32,100
	<u>Total: \$ 200,800</u>	<u>\$ 10,700</u>	<u>\$ 211,500</u>

other expenditures:

- a. Equipment - Program related \$15, 000
- b. Commodities - Materials related to industries products \$10,000
3. Additonal positions may be requested after FY 1981, as the long range plans are formulated and implemented within the various statewide correctional centers.

ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND... Session

HOUSE ...BILL..... NO. .668...

By THE RULES COMMITTEE BY...  
REQUEST OF THE GOVERNOR

"An Act providing for correctional industries; and providing for an effective date."

Correctional industries

Introduced in the House ..2/4/...., 19..80

HISTORY IN THE HOUSE

19 80	Read first time and referred to Committee on										
Feb. 4	Judiciary										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Sent to Senate										
	CHIEF CLERK OF THE HOUSE										

HISTORY IN THE SENATE

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
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	Reconsideration										
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PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Returned to House										
	SECRETARY OF THE SENATE										

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor  ..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

HB

669

# COMMITTEE REPORT

## HOUSE

2/4/80

FURTHER: FINANCE

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

Mr. Speaker:

The Committee on JUDICIARY has had HB 669

"An Act making a supplemental appropriation to the Office of the Governor, Public Defender Agency, for representation of certain clients; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

*[Signature]*  
 \_\_\_\_\_  
*[Signature]*  
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*[Signature]*  
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**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

*[Signature]*  
 \_\_\_\_\_  
*[Signature]*  
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 \_\_\_\_\_  
 \_\_\_\_\_

*[Signature]*  
 \_\_\_\_\_  
**CHAIRMAN**

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB 669  
 Title An Act making a supplemental appropriation to the Public Defender Agency  
 Requested by Office of Governor Date 2/4/80

II. FISCAL DETAIL  
 Agency Affected Office of Governor  
 Program Category Affected Administration of Justice  
 Budget Request Unit(s) Affected Public Defender Agency

EXPENDITURES (Thousands of Dollars)

	Supplemental					
	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL	120.3	43.5				
300 CONTRACTUAL	394.5	38.8				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>514.8</b>	<b>82.3</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		82.3				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)  
 Agency travel for FY80 was cut 32% from FY79 actual expenditures while contractual services were cut 7%. This bill will bring these two categories back to the FY79 level and will compensate for increased costs of bush air travel, the cost of professional experts and increased long distance telephone rates. Without this supplemental the Agency attorneys will be unable to travel the last quarter of FY80 to follow the Court calendar.

IV. DATE Feb. 8, 1980 PREPARED BY Bob Stokes, Admin. Officer  
 AGENCY Public Defender Agency  
 Original: Legislative Finance PHONE 279-7541  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

HB

678



Alaska House of Representatives

*Comm members  
packets*



POUCH V  
JUNEAU  
99801

P. O. BOX 9  
KENAI  
99611

HUGH MALONE

February 29, 1980

Rev. Carl Thomason  
Calvary Baptist Church  
Lawton Drive  
P.O. Box 1329  
Kenai, AK 99611

Dear Rev. Thomason:

Thank you for your letter of February 9, 1980, regarding HB 678, the so called "Sunset Marriage" bill.

This legislation is currently in the House Judiciary Committee. I am forwarding a copy of your letter to Rep. Charlie Parr, the chairman of House Judiciary, for his information. At this point, no committee hearings have been scheduled and I don't see much possibility of passage for the bill.

Thank you for informing me of your opinion.

Sincerely,

Hugh Malone

HM/jk





**SOWING AND REAPING WITH  
BAPTIST MID-MISSIONS**

4205 CHESTER AVE.

CLEVELAND, OHIO 44103

2-9-80

Dear Mr. Malone,

Just a few lines to voice  
my opinion of the Bill on Marriage  
contracts that is being proposed.

I am personally opposed to this  
bill because of a Biblical  
principle being violated. I do  
further see immorality being fostered  
even more and we certainly don't  
need that.

Any one with any moral fiber  
at all should oppose this bill  
I do understand that this bill doesn't  
have much chance but I wanted you  
to know my feeling on it.

"Lift up your eyes and look on the fields; for they are  
white already to harvest." (John 4:35)

Thank you.

Sincerely  
Carl Thomasson





Alaska House of Representatives

*Comm members  
pockets*



POUCH V  
JUNEAU  
99801

P. O. BOX 9  
KENAI  
99611

HUGH MALONE

February 29, 1980

Villes Emmel, Pastor  
Sterling Baptist Church  
P.O. Box 87  
Sterling, AK 99672

Dear Rev. Emmel:

Thank you for your letter of February 7, 1980, regarding HB 678, the so called "Sunset Marriage" bill.

This legislation is currently in the House Judiciary Committee. I am forwarding a copy of your letter to Rep. Charlie Parr, the chairman of House Judiciary, for his information. At this point, no committee hearings have been scheduled and I don't see much possibility of passage for the bill.

Thank you for informing me of your opinion.

Sincerely,

Hugh Malone

HM/jk