

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

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Alaska  
Independent  
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FEB 6 1981

February 3, 1981

Honorable Jay Kerttula  
State Senator  
Pouch V  
Juneau, AK.

Dear Jay:

In using criteria such as overall balance, receptiveness and an attitude of co-operation, I regret that I can not support the confirmation of Mr. Don Dennis of Fairbanks to the position of Athletic Commissioner for this State.

Sincerely,

Vince O'Reilly  
Commissioner

VOR:jr

A PERFORMANCE REVIEW  
OF THE  
ALASKA CODE REVISION COMMISSION

conducted by  
R. W. Pavitt and Associates, Inc.

Members of the Alaska  
Code Revision Commission

John W. Abbott, Chairman

Sen. Patrick M. Rodey

Rep. Charles G. Anderson

L.S. (Jerry) Kurtz, Jr., Esq.

James L. Baldwin

Hon. Thomas B. Stewart

Billy G. Berrier, Executive Secretary

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W—ALASKA OFFICE BUILDING

## THE LEGISLATURE

FINANCE DIVISION  
POUCH WF—STATE CAPITOL

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

November 6, 1981

Members of the  
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and Title 44 of the Alaska Statutes, the Division of Legislative Audit was mandated to perform a "Sunset" review of the Alaska Code Revision Commission.

Since this Division is part of the Legislative Branch as is the Commission, we lack the apparent independence necessary to perform the review.

The Division contracted with Mr. R. W. Pavitt of R.W. Pavitt and Associates, Inc. to perform this review. This firm is a reputable planning and management consultant business that has been in operation for several years and is located in Juneau.

We feel this report discharges our responsibility, mandated under Title 24 and Title 44. The report is submitted for your review.



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

R. W. PAVITT AND ASSOCIATES, INC.  
PLANNING CONSULTANTS

October 28, 1981

Legislative Audit Division  
State of Alaska  
Pouch W  
Juneau, Alaska 99811

Att. Merle R. Jenson, Deputy Legislative Auditor

Dear Mr. Jenson:

In accordance with the Contract for Services between the Legislative Audit Division and our firm, we have completed a performance review of the Alaska Code Revision Commission using guidelines and standards established in Alaska Statutes for such "sunset" reviews.

The report, entitled PERFORMANCE REVIEW OF THE ALASKA CODE REVISION COMMISSION, is hereby submitted.

Respectfully,



R. W. Pavitt, AICP  
President

RWP/bp

A PERFORMANCE REVIEW OF THE ALASKA CODE REVISION COMMISSION

Table of Contents

PURPOSE AND SCOPE OF THE REVIEW	- 1-
ORGANIZATION AND FUNCTION	- 3-
REPORT CONCLUSION	- 6-
FINDINGS AND RECOMMENDATIONS	- 9-
ANALYSIS OF PUBLIC NEED	-11-

Appendices

APPENDIX A - Table summarizing subject matter studied by the Commission, 1975 - 1981	-13-
APPENDIX B - Alaska Statutes regarding law revision	-17-
APPENDIX C - Table indicating how other states deal with code revision	-20-
APPENDIX D - Alaska Code Revision Commission Budgets, FY 77 - FY 82	-22-

Responses

• Letter from Alaska Code Revision Commission; 11/30/81	-24-
• Letter transmitting response from ACRC; 1/25/82	-25-
• <u>Response to Performance Review of Alaska Code Revision Commission; 1/25/82</u>	-26-
• Letter from R. W. Pavitt and Associates, Inc; 2/5/82	-32-
• <u>Rebuttal to Response to Performance Review of Alaska Code Revision Commission; 2/5/82</u>	-33-

PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with AS 24.20.271(1) and AS 44.66 (Sunset Legislation), a review of the Alaska Code Revision Commission was conducted to examine the commission's activities, operation, policies and accomplishments. The purpose of the review is to determine if the commission has operated in a fair, effective, efficient and economical manner in the performance of its statutory functions, duties and responsibilities.

As required by AS 44.66.050, this report shall be considered during the legislative oversight procedure in determining whether the Alaska Code Revision Commission should be continued or reestablished. AS 44.66.010(a) currently specifies that this commission will terminate on June 30, 1982, but will continue until June 30, 1983 for the purpose of concluding its affairs.

Scope

The major areas studied were the commission's operations, policies, administration, procedures; and the effectiveness of its recommendations in accomplishing its mandated objective of bringing "the law into harmony with current needs and conditions" (AS 24.20.075(c)(4)). The review consisted of examination, research, analysis and evaluation of the following:

- (1) Applicable Alaska Statutes and amendments thereto;
- (2) Minutes of the commission from its inception to the present;
- (3) Annual Reports of the Alaska Code Revision Commission dated February 1979, February 1980, February 1981;
- (4) Records and documents of the commission;
- (5) Contracts with consultants;
- (6) Commission budgets for FY 77, 78, 79, 80, 81 and 82;
- (7) Code revision procedures in other states;
- (8) Interviews conducted with:
  - o an Alaskan representative to the National Conference of Commissioners on Uniform State Laws (NCCUSL)

- Legislative Affairs Agency personnel:
    - . Co-Revisors of Statutes
    - . Director of Legal Services
    - . Director of Administrative Services
  - Legislative Finance Division personnel
  - present members of the commission
  - former members of the commission
  - a consultant to the commission
  - the secretary to the commission
- (9) Observation of the Alaska Code Revision Commission during its October 12, 1981 meeting in Juneau.

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ORGANIZATION AND FUNCTION

The Code Revision Commission was established as a permanent commission of the legislature by an act of that body (ch 114 SLA 1976). The act creating the commission established its membership as consisting of two legislators (one from each house appointed by the presiding officer); a public member appointed by the governor; a designee of the chief justice of the supreme court, and a designee of the board of governors of the Alaska Bar Association. The director of legal services for the Legislative Affairs Agency or his designee serves as executive secretary for the commission.

The commission was created to:

- (1) examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law;
- (2) review and consider proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the Supreme Court, the state or local bar associations, principal departments, agencies, boards and commissions of the executive or judicial branch, and committees of the legislative branch;
- (3) receive and consider suggestions from the Alaska bench and bar, public officials, organizations and individuals as to areas of the law needing revision and remedy;
- (4) recommend changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

The commission was empowered to:

- (1) hold public hearings and other meetings as necessary throughout the state, and to determine an appropriate quorum for conducting business;
- (2) establish one or more subcommissions to assist it in the performance of its duties.

The staff of the Legislative Affairs Agency serves as staff for the commission, and (subject to appropriations for the purpose) contracts with other agencies or persons for the performance of necessary services for the commission.

Funds considered necessary for the commission (per diem, travel, contract expenses) are to be sought in a formal budget request to the legislative council. (Appropriated funds are dispersed and accounted for under procedures required by the Legislative Affairs Agency).

All branches of state government are directed to provide information and documents required by the commission necessary to the accomplishment of its work.

The commission is directed to submit its reports and recommendations, and draft legislation as to revision of law, to the Legislative Council, and shall distribute them to the governor, members of the legislature, and the chief justice of the supreme court.

In 1977, membership on the commission was broadened to include a "designee of the governor who is an attorney employed by the executive branch of the state government." (ch 57 SLA 1977).

The enabling legislation was further amended in 1980 to:

- (1) clarify the name of the commission as the Alaska Code Revision Commission;
- (2) establish 6 year terms for the public member and the designee of the Alaska Bar Association board of governors, and prescribe the manner in which vacancies are filled;
- (3) clarify the per diem and travel allowances provided members of the commission; and,
- (4) prescribe the manner in which the public member and the designee of the board of governors shall determine the length of their respective terms of office.

The amending act (ch 44 SLA 1980) also brings the Alaska Code Revision Commission (AS 24.20.075) within the purview of the sunset law, (AS 44.66.010), and adds the name of the commission to the list of boards and commissions scheduled to expire on June 30, 1982.

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## REPORT CONCLUSION

### Policy Issues

This review discusses issues raised as a result of our analysis and evaluation of the commission's responsibilities, structure, operations and procedures. Resolution of these policy matters will require legislative action. In debating these issues, the legislative oversight committees should consider the findings and alternatives presented in this report in reaching their decision.

### Report Conclusion

In our opinion, the Alaska Code Revision Commission should not be continued in its present form.

That conclusion is supported by the following rationale:

- In the 5 years since its establishment, the commission has met 45 times. In terms of substantive revisions adopted into law by the Alaska Legislature, the results of the commission's work have not been commensurate with the thousands of hours devoted to the effort (see Appendix A)
- The duties and responsibilities assigned to the commission by the enabling act (AS 24.20.075) are substantially similar to those mandated to the Legislative Council, the Legislative Affairs Agency and the Co-revisors of Statutes (AS 01.05.036; 24.20.060(4); 24.20.065(a); and 24.20.070(b)). Such duplication of responsibilities tends to create tensions and conflict among legislative agencies which is not in the best interests of state government (see Appendix B)
- The subject matter considered by the commission is frequently not consistent with legislative needs and priorities.

The creation of the code revision commission resulted from a bill (SB 665) submitted by Senators Rodey and Rader in 1976. The commission envisioned

in the bill was to be "within the Legislative Affairs Agency" and "staffed by the agency". Membership was to include four legislators, four public members, a designee of the Alaska Bar Association and a designee of the chief justice of the supreme court. Substantive changes were made to the Rodey-Rader bill, and when it emerged from the legislative process as chapter 114 SLA 1976, the new commission had a different lineup of membership, and quasi-independent status as a "permanent commission of the legislature." Although the "Director of Legal Services for the Legislative Affairs Agency serves as executive secretary for the commission", the relationship between the commission and the agency is not sharply defined; and the responsibilities assigned to the commission are, in part, duplicative of revision tasks already required of the Legislative Council, the Legislative Affairs Agency and the Revisors of Statutes.

A major difference between Alaska's code revision commission and the prestigious California Law Revision Commission (after which it was intended to be patterned) is the manner in which subjects come before the commission for consideration. In the California model, topics for commission study are restricted to those approved by concurrent resolution of the Legislature. This system assures legislative concern and interest in the recommendations of the commission, and provides certainty that the subjects considered are consistent with the Legislature's desires and priorities.

Of 35 states answering a 1979 inquiry by the commission as regarding code revision procedures, 10 responded that the legislature itself (through its judiciary committees, legislative council or special committees) accomplished needed revisions. Revisors of Statutes and legislative affairs agencies accomplished revision work in 14 other jurisdictions. 11 states reported permanent law revision commissions, but of these, four are empowered to deal only with non-substantive revisions (see Appendix C).

Substantive revision of politically-sensitive law in Alaska has been successfully accomplished in the past by legislatively-appointed special commissions (as in the case of the major Criminal Code revision), or by a special committee of the legislature such as the committee that revised Title 4 (Alcoholic Beverages). A special committee is currently working on a major overhaul of Title 29 (Municipal Government).

Despite perceived conflicts resulting from the present statutory structure of the code revision commission, its broad-based membership of legislative, executive and judicial branch representatives, as well as the public and Alaska Bar members, provide a breadth of legal knowledge, perception and experience that has much potential value as an advisory function to the lawmaking process. Particularly in areas of generally low legislative interest such as probate law, security law, real property conveyancing, bankruptcy law and the like, the commission has shown that it can provide necessary expertise in recommending statutory revision that "will bring the law into harmony with current needs and conditions." (AS 24.20.075(c)(4)).

While this report concludes that the Alaska Code Revision Commission should not be continued in its present form, we believe that if the legislature desires to continue the commission after June 30, 1982, AS 24.20.075 should be substantively amended to eliminate the perceived conflicts with other legislative agencies, as well as to clarify the duties and responsibilities of the commission and its relationship to the Legislative Council. The Findings and Recommendations section of this report is thus divided into two parts. If the oversight committee considering this performance review opts to recommend termination of the commission, Part 1 includes the recommended procedure. Part 2 recommends statutory changes that should be considered if the committee wishes to recommend continuation of the Alaska Code Revision Commission.

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FINDINGS AND RECOMMENDATIONS

PART 1

[TO TERMINATE THE ALASKA CODE REVISION COMMISSION - AS 44.66.010(a)(8)]

Recommendation No. 1

Repeal AS 24.20.075 effective June 30, 1983.

If the decision is made to terminate the commission, it will continue in existence until June 30 of 1983 for the purpose of concluding its affairs (AS 44.66.010(b)).

The FY 83 budget of the commission should contain sufficient funds for concluding its contractual obligations, submitting its final report, and transferring its records, files and office equipment to the Legislative Affairs Agency.

PART 2

[TO CONTINUE OR REESTABLISH THE ALASKA CODE REVISION COMMISSION -  
AS 44.66.010(c)]

Recommendation No. 1

Amend AS 24.20.075 to require that the commission annually file a report to the Legislative Council which shall contain a calendar of topics selected for study, including a list of the studies in progress and a list of topics intended for future consideration. After the filing of the final report, the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by resolution of the Legislative Council. The commission shall also study any topic which the legislature, by concurrent resolution, refers to it for such study.

The purpose of this recommended amendment is two-fold:

- (1) to improve communication and understanding between the legislative council and the commission; and,
- (2) to avoid conflict between special committees of the legislature and the commission with regard to study topics.

Recommendation No. 2

Amend AS 24.20.075 to clarify the role of the commission as an advisory body.

Conflict has arisen from time to time with respect to the actual drafting of legislation by the commission...a task that is clearly assigned to the Legislative Affairs Agency division of legal services by the legislative council.

Recommendation No. 3

Amend AS 24.20.075 to delete (c)(1).

AS 24.20.075(c)(1) states that the commission shall examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law. This duty is assigned to other legislative agencies in AS 01.05.036 and AS 24.20.065.

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ANALYSIS OF PUBLIC NEED

The following analysis of Commission activities relates to the public need factors defined in AS 44.66.050(c). Inasmuch as the Alaska Code Revision Commission is not a regulatory body, a number of the factors are not applicable to the performance review of the commission.

- I. The extent to which the board, commission or agency has operated in the public interest.
  1. The commission has recommended revisions to Alaska law which in its judgement were in the general public interest.
  
- II. The extent to which the operation of the board, commission or agency program has been impeded or enhanced by existing statutes, procedures and practices which it has adopted, and any other matter, including budgetary, resource and personnel matters.
  1. Lack of its own staff and the inability of the legal services division of the legislative affairs agency to provide continuing services to the commission (because of its own heavy work load) tended to impede the commission's work in its early years. More recently, consultants have been engaged to keep up with the continuing work of the commission.
  
- III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

See response to I.
  
- IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

Not applicable to this commission.

V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

1. The commission has consistently notified parties of interest in topics that it was studying and encouraged their participation in its meetings.
2. The commission has held meetings in a number of locations in Alaska for the purpose of encouraging public participation on specific topics under consideration.

VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which the board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

1. This review has not identified any record of complaints with respect to commission activities with either the Legislative Affairs Agency or the Office of the Ombudsman.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

Not applicable to this commission.

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

Not applicable to this commission.

IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Findings and Recommendations, Part 2.

\* \* \* \* \*

APPENDIX A

TABLE SUMMARIZING SUBJECT MATTER  
STUDIED BY THE COMMISSION 1976-1981

LEGISLATION CONSIDERED	Referred by	Consultant	date first considered	ACRC ACTION	date of action	LEGISLATIVE ACTION
1. ALCOHOLIC BEVERAGES (Title 4)	Individual Legislator	Machyowsky	7/15/76	materials forwarded to Leg. Council for Leg. Committee use.	7/17/79	some materials used in ch 131 SLA 1980
2. INSURANCE (Title 21)	Individual Legislator	-----	-----	See No. 26	-----	-----
3. CLASS ACTION ACT	NCCUSL	-	9/1/76	postponed pending Court action	12/10/76	
4. UNIFORM LAND TRANSACTIONS ACT	NCCUSL	MacMurtray	9/1/76	divided into sections, see Nos. 11, 16, 17 and 22		
5. UNIFORM EXEMPTIONS ACT	NCCUSL	LAA staff Jim Baldwin	9/1/76	approved for submission to Leg. Council	9/21/79	HB 74 ('81) HB 56 ('79)
6. UNIFORM COMPARATIVE FAULT ACT	NCCUSL	-	3/17/78	-	-	
7. CORPORATIONS (Title 10)	-	Fessler	6/22/78	to Leg. Affairs for drafting bill	11/17/80	
8. UNIFORM COMMERCIAL CODE (Articles 8 and 9)	NCCUSL	LAA staff Ken Vassar	6/22/78	approved for submission to Leg. Council	1978 1980	HB 55 ('79) HB 77 ('81)
9. UNIFORM PROBATE CODE (Homicide)	NCCUSL	-	6/22/78	considered	10/26/78	SB 56 ('79) ch 36 SLA 1979

LEGISLATION CONSIDERED	Referred by	Consultant	date first considered	ACRC action	date of action	LEGISLATIVE ACTION
10. INTERNATIONAL WILLS (Probate Code)	NCCUSL	-	3/16/78	approved for submission to Leg. Council	10/26/78	SB 54 ('79)
11. REAL PROPERTY CONVEYANCING	see No. 4	Peterson Regan	2/9/79			
12. UNIFORM MARRIAGE & DIVORCE ACT	NCCUSL	-	4/18/79	no further action	11/10/80	
13. UNIFORM FEDERAL TAX LIEN REGISTRATION ACT	NCCUSL	LAA staff Ken Vassar	10/18/79	modified and approved for submission to Leg. Council	11/18/79	included in SB 78 ('81)
14. UNIFORM BRAIN DEATH ACT	NCCUSL	-	10/18/79	no further action	10/18/79	
15. UNIFORM LIMITED PARTNERSHIP ACT	NCCUSL	LAA staff Jack Chenoweth	10/18/79			
16. OATHS, AFFIRMATIONS, ACKNOWLEDGEMENTS, NOTARIZATION AND VERIFICATION	see No.4 (includes Unif. Recog. of Acknowl. Act - NCCUSL)	Regan	2/9/79	approved for submission to Leg. Council	2/21/80	SB 80 ('81) ch 37 SLA 1981
17. RECORDING AND RECORDED DOCUMENTS	see No.4 and No. 13	Regan	2/9/79	approved for submission to Leg. Council	10/18/79	SB 78 ('81)
18. GUARDIANS AND CONSERVATORS	Individual Legislator	-	2/21/80	no further action	5/8/80	

LEGISLATION CONSIDERED	Referred by	Consultant	date first considered	ACRC action	date of action	LEGISLATIVE ACTION
19. MODEL PRODUCT LIABILITY ACT	Individual Legislator	-	2/22/80	no further action	4/10/80	
20. ALASKA HIRE	Several Legislators		2/22/80			
21. ADMINISTRATIVE PROCEDURES ACT	NCCUSL		4/10/80			
22. REAL ESTATE PROPERTY SECURITY INTERESTS	see No. 4	Regan	2/9/79	approved for submission to Leg. Council	2/23/81	HB 403 ('81)
23. DOMESTIC VIOLENCE	Several Legislators	-	2/22/80	no further action	5/8/80	
24. SMALL LOANS		Regan	5/8/80	bill drafted no further action	12/12/80	
25. VITAL STATISTICS		Regan	5/8/80	bill drafted no further action	8/18/80	
26. INSURANCE CODE			5/8/80			
27. ALASKA SECURITIES ACT			5/8/80			
28. OCCUPATIONS AND PROFESSIONS		Regan	7/2/80			
29. UNIFORM DISPOSITION OF COMMUNITY PROPERTY RIGHTS AT DEATH ACT	NCCUSL			no record of action		SB 79 ('81) SB 58 ('79)
30. NON-PROFIT CORPORATIONS		Fessler	11/17/80			

APPENDIX B

ALASKA STATUTES REGARDING LAW REVISION

APPENDIX B  
ALASKA STATUTES REGARDING LAW REVISION

Sec. 01.05.036. Improvement of statutes. The Legislative Affairs Agency, working in cooperation with the revisor shall make recommendations to the legislative council concerning deficiencies, conflicts or obsolete provisions in and the need for reorganization or revision of the statutes, and, at the direction of the legislative council, shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state. - - - -

(emphasis added)

Sec. 24.20.060. The legislative council has the following powers:

- - - - -

- (4)(B) conduct a continuing program for the revision and publication of the acts of the legislature.
- (C) execute a program for the oversight of the administration and construction of laws by state agencies and the courts through regulations, opinions and rulings.

(emphasis added)

Section 24.20.065. Examination of Regulations and opinions. (a) The legislative council shall annually examine administrative regulations, published opinions of state and federal courts and of the Department of Law that rely on state statutes, and the final decisions adopted under the Administrative Procedure Act (AS 44.62) to determine whether or not

- (1) the courts and agencies are properly implementing legislative purposes;
- (2) there are court or agency expressions of dissatisfaction with state statutes;
- (3) the opinions or regulations indicate unclear or ambiguous statutes.

(emphasis added)

Sec.24.20.070. Revision of Statutes. - - - - -

- (b) Statute revision is a continuing responsibility of the council.

- - - - -

(emphasis added)

Section 24.20.075. Code Revision Commission. - - - - -

(c) The commission shall:

- (1) examine the statutes of the state and judicial decisions to discover defects and anachronisms in the law.
- (2) review and consider proposed changes in the law recommended by the National Law Institute, the National Conference of Commissioners on Uniform State Laws, the Alaska Judicial Council, the supreme court, the state or local bar associations, principal departments, agencies, boards and commissions of the executive or judicial branch, and committees of the legislative branch.
- (3) receive and consider suggestions from the Alaska bench and bar, public officials, organizations and individuals as to areas of law needing review and remedy;
- (4) recommend changes in law needed to eliminate antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions.

- - - - -  
(emphasis added)

APPENDIX C

TABLE INDICATING HOW OTHER STATES  
DEAL WITH CODE REVISION

APPENDIX C  
HOW OTHER STATES DEAL WITH CODE REVISION

In 1979, the commission directed inquiries to 45 states seeking information on how those states accomplished code revision. 35 states responded to the survey. Following is a summary of those responses.

States that accomplish code revision through their legislative committee system, and/or the equivalent of Alaska's Legislative Council.

ARIZONA	NEW HAMPSHIRE
MAINE	NORTH DAKOTA
MISSOURI	OHIO
NEBRASKA	WEST VIRGINIA
NEVADA	WISCONSIN

States that accomplish code revision through their revisors of statutes, or through the equivalent of Alaska's Legislative Affairs Agency.

ALABAMA	NEW MEXICO
DELAWARE	OKLAHOMA
HAWAII	RHODE ISLAND
KANSAS	SOUTH DAKOTA
KENTUCKY	TENNESSEE
MINNESOTA	TEXAS
MONTANA	WYOMING

States that accomplish code revision through code revision commissions

CALIFORNIA	MARYLAND (n-s)
COLORADO	MICHIGAN
GEORGIA	NEW YORK
INDIANA (n-s)	NORTH CAROLINA
LOUISIANA	VERMONT (n-s)
VIRGINIA (n-s)	

(n-s) = commissions empowered to consider only non-substantive revisions

APPENDIX D

ALASKA CODE REVISION COMMISSION  
BUDGETS FY 77 - FY 82

APPENDIX D  
BUDGETS OF THE ALASKA CODE REVISION COMMISSION, FY 77 - FY 82

The following information was obtained from the Authorizations and Expenditures documents of the Legislative Affairs Agency, and from the records of the Alaska Code Revision Commission.

Budget for Fiscal year 1977	-	\$ 57,000
Budget for Fiscal year 1978	-	53,000
Budget for Fiscal year 1979	-	100,000
Budget for Fiscal year 1980	-	119,000
Budget for Fiscal year 1981	-	175,000
Budget for Fiscal year 1982	-	219,000
		<hr/>
TOTAL AUTHORIZED SINCE INCEPTION . . .		\$ 723,000

ALASKA CODE REVISION COMMISSION



COMMISSIONERS  
JOHN W. ABBOTT - CHAIRMAN  
WM. GRANT CALLOW - VICE CHAIRMAN  
PATRICK M. RODEY  
FRED E. BROWN  
L. S. KURTZ, JR.  
JAMES L. BALDWIN

ALASKA STATE LEGISLATURE  
POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
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EXECUTIVE SECRETARY  
BILLY G. BERRIER

November 30, 1981

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DEC 01 1981

Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit  
Pouch W, State Capitol  
Juneau, Alaska 99811

LEGISLATIVE  
AUDIT

Re: Performance review of the Alaska Code  
Revision Commission, October 28, 1981

Dear Mr. Wilkerson:

The Alaska Code Revision Commission acknowledges receipt of the preliminary performance review. Copies were distributed to members for review at the November 23-24, 1981 meeting in Anchorage. We are currently in the process of drafting a response as requested in your November 10, 1981 letter. However, because of further telecommunications between commissioners necessary for a thorough response, there will be a slight delay in submitting it to you within the allotted twenty-day time period. We sincerely regret the delay.

Please call if this creates any problems for you.  
Thank you for your consideration.

Very truly yours,

*John W. Abbott*  
by: chw

John W. Abbott, Chairman  
Alaska Code Revision Commission

JWA:chw

ALASKA CODE REVISION COMMISSION



COMMISSIONERS  
JOHN W. ABBOTT - CHAIRMAN  
JAMES L. BALDWIN - VICE CHAIRMAN  
PATRICK M. RODEY  
CHARLES G. ANDERSON  
L. S. KURTZ, JR.  
JUDGE (RET.) THOMAS B. STEWART

ALASKA STATE LEGISLATURE  
POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-4878

EXECUTIVE SECRETARY  
BILLY G. BERRIER

January 25, 1982

RECEIVED

JAN 27 1982

LEGISLATIVE  
AUDIT

Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit  
Pouch WF, State Capitol  
Juneau, Alaska 99811

Re: Response to Preliminary Performance Review  
of the Alaska Code Revision Commission

Dear Mr. Wilkerson:

Enclosed please find the report as referenced above  
as our response to the audit conducted by Mr. R. W. Pavitt  
and Associates, Inc.

Please contact me if you require further information  
by way of response.

Very truly yours,

*John W. Abbott*  
by: chw

John W. Abbott, Chairman  
Alaska Code Revision Commission

JWA:chw

Enclosure

RESPONSE TO PERFORMANCE REVIEW  
OF ALASKA CODE REVISION COMMISSION

This response, in addition to addressing matters specifically requested to be addressed, will respond to both information and recommendations contained in the audit review of R. W. Pavitt and Associates, Inc.

Purpose and Scope of Review

Although the scope of review as set forth in the audit report was very broad, in fact little or no attention was paid to many factors in evaluating the commission. While the legislative mandate creating this commission is given lip service, in fact the thrust of the audit makes clear some significant misconceptions of commission functions and responsibilities by the auditor.

Little if any attention appears to have been given to Items (2) through (8). Only one present member of the Alaska Code Revision Commission was interviewed. Approximately one-half day of the October 12, 1981 meeting was observed by the auditor. A misconception concerning the work to be performed by the commission pursuant to its statutory mandate and the actual workings of this commission is apparent throughout the audit report and is further reflected in the recommendations contained in the report.

Organization and Function

The commission agrees with the auditor's statement of the organization and function of the commission.

Report Conclusion

The commission does not agree with the recommendation that it should not be continued in its present form. While it agrees with some of the recommendations set out in the report (as indicated below), it does not feel that legislative action is necessary at this time to restructure the commission.

The report conclusion is supported by the following reasons:

1. That in spite of the many hours devoted to producing proposed legislation, few of the commission bills have been adopted.

This rationale is incorrect in two respects:

(a) It assumes that the function of the commission is to get bills passed. The legislature, not the commission is responsible for the passage of legislation. The commission's work product has been used in many ways other than enactment of

commission proposed bills. The commission's work product has been used by the legislature in a research context; has been used to effect major revisions in existing law (Title 4); has been used as a research tool by Legislative Affairs and the Attorney General's Office; and language drafted by the commission has been used where appropriate in the drafting of many bills by other state agencies.

(b) At the present time there are five major bills proposed by the commission under consideration by this legislature. These include:

- (1) Exemptions Act
- (2) Amendments to Chapters 8 and 9 of the Uniform Commercial Code
- (3) A Revised Recording Act
- (4) A Security Interests Bill
- (5) The Alaska Business Corporations Code

2. That the duties and responsibilities of the commission are substantially similar to those mandated to the Legislative Council, Legislative Affairs, and the Co-Revisors of Statutes.

This rationale is incorrect in the following respects:

(a) The commission, even where the mandate would permit, does not perform certain functions performed by the aforementioned bodies, including:

(i) Revisor duties of a strictly technical nature (e.g., adherence to the legislative drafting style, use of legislative format).

(ii) Review of draft legislation for the legislature or the executive branch of government or drafting.

(iii) Introduction of personal bills or special interest legislation.

(b) The commission reviews model act legislation, statutory changes amending or updating uniform laws, introduction of uniform laws recommended for adoption by the NCCUSL, legislation encompassing an entire title as opposed to amendments of existing laws.

3. That the enabling legislation for the commission has created problems concerning the duplication of legislative-type tasks.

Although the commission's mandate is extremely broad and would allow duplication of functions, in fact there is little or no duplication. The relationships and jurisdiction of the legislative bodies have been worked out through the cooperation of these bodies, and each now performs its own

functions in cooperation with the other legislative bodies.

4. The commission finds no significance in the fact or belief that it originally was patterned after the California Law Revision Commission. The commission's authority results from legislative enactment, and it is irrelevant what California does or does not do.

5. It is also irrelevant what other states have done. In Alaska, the legislature has created by statute the scope of the commission's authority. The statement contained in this paragraph of the audit report that substantive law revisions in Alaska have been successfully handled in the past is entirely incorrect. The success of the Criminal Code Commission provided the impetus for creation of a permanent code revision commission. The Title 4 revision was begun after the commission had half completed its revision of Title 4, and the legislature used all of the commission's factual data and draft legislation. No other major projects like those of the commission have been undertaken by any other body or group.

6. This paragraph is correct insofar as it goes. It fails to mention, however, that the extremely technical nature of the legislation considered by the commission renders it particularly suitable to blue-ribbon panel treatment. Moreover, technical statutory revision as accomplished by the commission has traditionally been deferred by the legislature to select committees, a fact which lead to the creation of both the criminal code and the Acode revision commissions.

7. The commission believes that it can continue to provide valuable assistance to the legislature in its present form without any changes in the present law, but is not opposed to legislation to make more clearly known to the commission the desires of the legislature so that the commission may better perform its functions.

### Findings and Recommendations

#### Part I

If the commission is terminated, funds should be provided to allow it to fulfill its existing obligations and cease activities on June 30, 1983.

#### Part II

The commission now complies (and has in the past complied) with the below-listed recommendations:

(a) Filing of annual reports.

(b) Notification to the Legislative Council of the matters to be considered by the commission.

(c) Complete information, including minutes of all commission meetings, to apprise the Legislative Council of its activities.

(d) Consideration of any topics referred to it by the legislature, by formal or informal request; the formality of a concurrent resolution is not necessary, as the commission has on numerous occasions solicited projects from the legislature and its individual members.

(e) The commission has always maintained a calendar of topics to be considered and has to the extent practicable adhered to it.

The commission agrees that communications between it and the Legislative Council could be improved and has made repeated efforts for the past several years to do so.

The commission also agrees that a better mechanism should be developed to avoid conflicts between it and special legislative committees.

#### Recommendation No. 2

The commission now sees its mandate as providing advice and assistance to the legislature. All draft legislation is subject to review by the Legislative Council and is actually introduced through the council. Thereafter, it is subject to the same treatment as every bill introduced in the legislature. The commission acts in an advisory role.

#### Recommendation No. 3

The commission presently examines statutes of the state and judicial decisions as a part of its overall mandate to revise, in toto, anachronistic state laws.

#### Analysis of Public Need

The commission agrees with all of the paragraphs of this section except:

(a) IX which is responded to in the commission's response to Findings and Recommendations, Part II.

#### Conclusion

The commission performs a task that is not now performed by any other body in the state government: the substantial revision-updating of entire bodies of technical laws. Legislatures in Alaska have never undertaken these projects, and in fact they would normally be beyond its scope. These projects are logically and practically performed by a special commission similar to the Alaska Code Revision Commission.

## APPENDIX

Appendix "A" to the Preliminary Audit incorrectly states commission action in a number of instances where column "ACRC action" of the exhibit says "no further action." The commission actively considered the Uniform Brain Death Act (Item 14) and the Uniform Marriage and Divorce Act (Item 12) and decided they were inappropriate for Alaska.

The appendix incorrectly states that a legislator referred the insurance code (Items 2 and 26) to the commission. Actually, in 1980 the Department of Commerce and Economic Development asked the commission to review AS 21. The commission realized revision of the insurance code would be a major project, and concluded that it could absorb no more major projects at that time. Later, the commission was informed that the Department of Commerce was working on the project so considered it no further.

The class action problem (Item 3) was solved by court rules. Real property conveyancing (Item 11) was dealt with under Item 22, which resulted in HB 403. The commission decided the matters covered by the Uniform Comparative Fault Act (Item 6) were best left for court resolution, some of which had occurred when that decision was made.

The Uniform Limited Partnership Act (Item 15) was renewed and redrafted by the Legislative Affairs Agency at the request of the commission. It then became apparent that it was a poor uniform act, and the commission decided to table it. This and the Uniform Marriage and Divorce Act are good examples of considerable effort devoted by the commission to reviewing and sometimes hearing testimony on uniform acts. "No further action" is a poor description of the time required for that review.

The commission's work on guardians and conservators was started by legislative request and stopped by legislative request, again not disclosed by the "no further action" in the appendix. The introduction of a bill on the subject by the administration also encouraged the commission to abandon the field.

Alaska Hire (Item 20) still is under active consideration by the commission after having been tabled pending completion of litigation. The commission now is seeking a constitutional law expert to explore the feasibility of new approaches to that legal thicket. Similarly, the commission has repeatedly discussed the Administrative Procedure Act (Item 2). We still are waiting for a statement of the administration's position and legislative action on SB 594 (Senator Rodey's Judiciary Committee bill). If neither the administration nor the legislature pushes the bill, the commission may. However, the commission now is being discouraged by both branches from moving ahead on this bill.

The commission is unaware of legislative direction to work on domestic violence (Item 23). While several legislators may have suggested that, others informed the commission to stay away from the area because bills were being actively considered by the legislature. One passed last year.

The commission started work on a revision of the Small Loans Act (Item 24). After hearing testimony and learning of the activity of the Special Senate Committee on Banking, the commission refrained from taking action on that subject. The commission has not worked on the Alaska Securities Act (Item 27), although the Department of Commerce has asked that the commission look at limited portions of it on several occasions.

R. W. PAVITT AND ASSOCIATES, INC.  
PLANNING CONSULTANTS

February 5, 1982

Legislative Audit Division  
State of Alaska  
Pouch W  
Juneau, Alaska 99811

Attention: Merle R. Jenson, Deputy Legislative Auditor

Dear Mr. Jenson:

I have completed close scrutiny of the 6-page document entitled RESPONSE TO PERFORMANCE REVIEW OF ALASKA CODE REVISION COMMISSION.

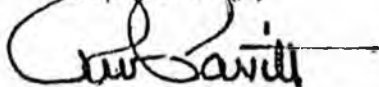
The thrust of the document (hereafter referred to as the Response) appears to hold that the PERFORMANCE REVIEW OF THE ALASKA CODE REVISION COMMISSION (hereafter referred to as the Review) incorrectly assesses the duties and responsibilities assigned to the commission by the Legislature; and, as a result of such misconception, erroneously recommends that the body be restructured or terminated.

I submit that the research accomplished in preparing the Review was thorough and adequate; that the factors considered in the Review are proper and consistent with the "sunset review" process, and that the conclusion and recommendations were arrived at logically and objectively from the evidence and material available.

With the exception of a minor amendment to the title of Appendix A (page - 13 -; change DETAILING to SUMMARIZING), I recommend that the report entitled A PERFORMANCE REVIEW OF THE ALASKA CODE REVISION COMMISSION, as submitted by the contractor, be forwarded to the appropriate legislative committee along with the responses received by the Legislative Audit Division.

As agreed, I will be available for testimony at such time as the committee considers the matter.

Respectfully,



R. W. Pavitt, AICP  
President

RWP/bp

## REBUTTAL

TO

### RESPONSE TO PERFORMANCE REVIEW OF ALASKA CODE REVISION COMMISSION

#### Purpose and Scope of Review

The Response constitutes an unsupported attack on the methodology and the thoroughness of the performance audit.

- Contrary to the contention of the Response, great weight was given to items (2) through (8).
- In addition to the formal interview of one present member, the auditor, during the October 12, 1981 meeting, spent well over an hour in a direct question and answer session with all members (in attendance) of the commission, and informally discussed the matter of the sunset review further for 15 - 20 minutes during a coffee break with two of the commissioners. Two extensive interviews were also conducted with the Executive Secretary.
- The Response fails to document its contention that "a misconception" is apparent in the Review with respect to the mandate and the workings of the commission.

#### Organization and Function

The Response agrees with the Review.

#### Report Conclusion

The Response contends that the results of the commission's efforts in terms of substantive revisions adopted into law by the Alaska Legislature is not a valid measure of the overall effectiveness of the commission; and goes on to disagree with statements in the Review regarding duplication of code revision responsibility, and the conflicts that result from such redundancy of effort.

- Inasmuch as the responsibilities of the commission (AS 24.20.075) boil down to the charge to "recommend changes in law needed to eliminate

antiquated and inadequate rules of law and to bring the law into harmony with current needs and conditions", the acceptance of these recommendations by the Legislature, as reflected in substantive enactments, would appear to be the ultimate test of the commission's effectiveness.

- Interviews conducted with staff attorneys connected with the Legislative Affairs Agency and the Department of Law did not support the contention in the Response that the commission's work product has been an important research tool.
- The fact that the "duties and responsibilities of the commission are substantially similar to those mandated to the Legislative Council, Legislative Affairs and the Co-Revisors of Statutes" is clearly documented in the summary of Alaska Statutes regarding law revision contained in Appendix B to the Review.
- The Response states that "The commission, even where the mandate would permit, does not perform certain functions performed by the aforesaid bodies...." (emphasis added); and acknowledges that the "commission's mandate is extremely broad and would allow duplication of functions",.... (emphasis added). Although the Response holds that duplication and conflicts do not exist, interviews conducted during the Review with Legislative Affairs attorneys and a careful reading of the commission's minutes indicates that they in fact do.

### Findings and Recommendations

#### Part I

The Response agrees with the statement in the Review that if the commission is terminated, sufficient funds should be provided to fulfill its existing obligations and cease activities on June 30, 1983.

#### Part II

The Response sets forth the parts of Recommendation No. 1 with which the commission feels it is now complying, and agrees that communications with the Legislative Council need improving, and that a mechanism for avoiding conflict with special legislative committees should be developed.

- Recommendation No. 1, as written, attempts to address these matters.

With respect to Recommendation No. 2, the Response indicates that the commission understands its advisory role in the lawmaking process.

- Recommendation No. 2, as written, seeks to statutorily clarify the relationship of legislative advisors.

Regarding Recommendation No. 3, the Response states that the commission presently sees the review of anachronistic state laws as part of its mandate.

- Recommendation No. 3, as written, seeks to leave this responsibility with the Co-Revisors of Statutes and the Legislative Affairs Agency where it presently is placed (AS 01.05.036)

#### Appendix

The Response takes umbrage at the use of the term "no further action", and suggests that in a number of instances, that term does not tell the whole story of the commission's consideration with respect to the item of legislation.

- Appendix "A" to the Review summarizes, in brief tabular form, the work of the commission on 30 items. The table was constructed from the minutes of the commission (7/15/76 - 8/5/81). In its preliminary form, it was independently checked for accuracy by a consultant to the commission and by a former member. Both suggested minor additions and corrections which were incorporated into the table.
- The auditor agrees that a 3-page table cannot totally detail 5+ years of commission effort. The table does, however, accurately summarize the actions of the commission and of the legislature. The suggestion is therefore made that the title of the appendix in question be changed to: "TABLE SUMMARIZING SUBJECT MATTER STUDIED BY THE COMMISSION 1976 - 1981"

The Response, in discussing the commission's consideration of the Administrative Procedure Act makes the statement: "If neither the administration nor the legislature pushes the bill, the commission may." (emphasis added)

- While the enthusiasm of the commission for exploring the difficult problems of the Administrative Procedure Act is commendable, the stridency of the statement quoted above appears to be in marked contrast to the claims in the Response that the commission fully perceives its duties and responsibilities vis-a-vis the legislative process.

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February 5, 1982

TO: SENATOR FISCHER  
CHAIRMAN STATE AFFAIRS

FROM: SENATOR JALMAR KERTTOLA  
SENATE PRESIDENT

DATE: FEBRUARY 9, 1981

RE: CONFIRMATION OF DON DENNIS

Enclosed are copies of telegrams and letters that I have received concerning the confirmation of Don Dennis as Athletic Commissioner. I am forwarding them on to you for committee review.

Incidentally, I have no prejudice on the matter.

SENATE STATE AFFAIRS

CONFIRMATION OF THE FOLLOWING GUBERNATORIAL APPOINTMENTS TO VARIOUS  
BOARDS AND COMMISSIONS TO BE TAKEN UP THURSDAY, MARCH 12, 1981, 1:30

STATE BOARD OF REGISTRATION FOR  
ARCHITECTS, ENGINEERS AND LAND SURVEYORS

Gerald Myers, Fairbanks, term expiring 7/1/86  
Odin Strandberg, Anchorage, term expiring 7/1/81

ATHLETIC COMMISSION

Dennis, Fairbanks, term expiring 5/14/82  
Reginald Joule, Kotzebue, term expiring 5/14/82

STATE COMMISSION FOR HUMAN RIGHTS

\*James Chase, Anchorage, term expiring 1/31/86

PERSONNEL BOARD

\*Morgan Reed, Skagway, term expiring 6/20/86

ALASKA PUBLIC UTILITIES COMMISSION

*another*  
~~\*Gordon Zerbetz, Anchorage, term expiring 10/31/86~~

\*reappointments

ALASKA PIPELINE COMMISSION

Karen Cory, Anchorage, term expiring 4/4/86  
Janis Williams, Juneau, term expiring 4/4/82

BOARD OF ELECTRICAL EXAMINERS

George McCoy, Anchorage, term expiring 7/10/82  
Terence Duszynski, Fairbanks, term expiring 7/10/83

ALASKA PUBLIC OFFICES COMMISSION

Mildred A. Opland, Anchorage, term expiring 2/1/86

*further  
information*

*Energy  
Center*



# Alaska State Legislature

## Senate

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

MEMORANDUM

March 27, 1981

TO: Senator Fischer, Chairman  
State Affairs Committee

FROM: *PM* Peggy Mulligan  
Secretary of the Senate

RE: Governor's appointments

Please remove from your list of confirmation and appointments  
the following:

ALASKA PUBLIC UTILITIES COMMISSION

\*Gordon Zerbetz .



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 20, 1981

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear President Kerttula:

Please add to your list of Alaskans to be confirmed for appointment to boards and commissions the following:

BOARD OF PHARMACY

Margaret D. Soden, R.Ph., term expires March 31, 1986

Enclosed is Ms. Soden's resumé.

Also, please remove from your list the following two names as they have resigned.

BOARD OF FISHERIES

\*Gordon Jensen

ALASKA PUBLIC UTILITIES COMMISSION

\*Gordon Zerbetz

Thank you.

Sincerely,

A large, stylized handwritten signature of Jay S. Hammond in black ink.

Jay S. Hammond  
Governor

\*Reappointed

Enclosure

Mike BRADNER, Speaker of the House, Alaska State Legislature, et al., Appellants,

v.

Jay S. HAMMOND, Governor of the State of Alaska, Appellee.

No. 2802.

Supreme Court of Alaska.

Aug. 2, 1976.

Speaker of the House, President of the Senate and State Legislature brought action against Governor for declaratory judgment of constitutionality of statute which provided that appointment of deputy heads of each principal executive department and 19 specified directors of divisions were subject to confirmation by legislature and which prescribed procedures pertaining to confirmation process. The Superior Court, First Judicial District, Juneau, Thomas E. Schulz, J., granted Governor's motion for summary judgment and declared statute unconstitutional, and plaintiffs appealed. The Supreme Court, Rabinowitz, J., held that state constitutional provisions delineate full extent of legislature's authority to confirm Governor's appointment of subordinate executive officers and that such statute was violative of separation of powers requirements of State Constitution.

Judgment affirmed.

1. Constitutional Law C=30

"Separation of powers doctrine" prohibits one branch of state government from encroaching upon and exercising powers of another branch.

See publication Words and Phrases for other judicial constructions and definitions.

2. States C=46

Appointment of executive officers of state government is an "executive func-

533 P.2d-1

tion" rather than a legislative one. Const. art. 3, §§ 1, 16.

See publication Words and Phrases for other judicial constructions and definitions.

3. States C=46

Confirmation of appointment of executive officers of state government is an attribute of appointive power of Governor rather than a distinct legislative power. Const. art. 2, § 1; art. 3, §§ 1 et seq., 16.

4. States C=46, 52

State constitutional provisions, which empower Governor to appoint and dismiss head of each principal executive department and subjects such appointments to confirmation by legislature and which, with regard to related offices, vests power of appointment in Governor and power to confirm in legislature and provides for removal of such officers as provided by law, delineate full extent of legislature's authority to confirm Governor's appointment of subordinate executive officers. Const. art. 3, §§ 25, 26.

5. Constitutional Law C=58  
States C=46

Statute, which provided that appointment of deputy heads of each principal executive department and 19 specified directors of divisions were subject to confirmation by legislature and which prescribed procedures pertaining to confirmation process, was violative of separation of powers requirements of State Constitution. AS 39.05.020; Const. art. 2, § 1; art. 3, §§ 1, 16, 25, 26; art. 4, § 1.

6. Constitutional Law C=50

"Separation of powers doctrine" requires that the blending of governmental powers will not be inferred in the absence of an express constitutional provision.

Terrance Sandalow, Ann Arbor, Mich., Billy G. Berrier, Juneau, for appellants.

Robert M. Johnson, Rodger W. Pegues, Asst. Attys. Gen., and Avrum M. Gross, Atty. Gen., Juneau, for appellee.

Before BOOCHEVER, C. J., RABINOWITZ and ERWIN, JJ., DIMOND, Justice Pro Tem., and TAYLOR, Superior Court Judge sitting as Justice Pro Tem.

### OPINION

RABINOWITZ, Justice.

This appeal arises from a declaratory judgment suit which appellants instituted in superior court seeking a declaration that Section 1 of Chapter 82, SLA 1975 is constitutional. This legislative measure effected significant changes in the procedures for appointment and removal of sub-cabinet officials, including deputy commis-

sioners and division heads of the executive branch of Alaska's government.<sup>1</sup> Specifically, it removed certain division directors from the classified service and placed them in the partially exempt service, provided that the appointment of deputy heads of each principal executive department and 19 specified directors of divisions were subject to confirmation by the legislature in joint session, and it prescribed procedures pertaining to the confirmation process.

The legislative history of Chapter 82 discloses that on April 28, 1975, Alaska's Ninth State Legislature enacted Fre Conference Committee Substitute to Senate

1. Chapter 82, SLA 1975 provides:

Section 1. AS 39.05.020 is amended to read:

Sec. 39.05.020. Appointment of department heads and other executive officers. The governor shall appoint the head of each principal executive department in the state government. Each appointment is subject to confirmation by a majority of the members of the legislature in joint session. The following executive appointments are also subject to confirmation by a majority of the members of the legislature in joint session:

- (1) The deputy head of each principal executive department of the state;
- (2) director, division of banking;
- (3) director, division of insurance;
- (4) director, division of family and children's services;
- (5) director, division of corrections;
- (6) director, division of oil and gas;
- (7) director, division of elections;
- (8) director, division of policy planning and research;
- (9) director, division of personnel;
- (10) director, division of budget and management;
- (11) director, division of medical assistance;
- (12) director, division of mental health;
- (13) director, division of public health;
- (14) director, office of telecommunications;
- (15) director, division of marine transportation;
- (16) director, division of waters and harbors;
- (17) director, division of lands;
- (18) state geologist, division of geological and geophysical surveys;
- (19) director, division of agriculture;
- (20) director, division of aviation.

Section 2. AS 39.05.050(2) is amended to read:

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

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

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

Sec. 3. AS 39.25.040 is amended to read:

Sec. 39.25.040. Director of personnel. The head of the division of personnel is the director of personnel appointed by the commissioner of administration and responsible to the commissioner of administration for the execution of the duties and responsibilities imposed by this chapter and the rules adopted under this chapter. The director of personnel must have at least three years practical working experience in the field of personnel administration.

Sec. 4. AS 39.25.120(2) is amended to read:

(2) the directors, division of personnel, division of mental health, division of public health, division of medical assistance, and those other directors of the major divisions of the principal departments of the executive branch as are specifically designated by the governor; . . .

Bill 98. After Governor Hammond vetoed that Section 1 the executive power of 21, 1975, the legislature overrode the veto law the following 1975 Session Law Chapter 82).

Subsequent to Governor Hammond's veto posts affected by Under AS 39.05.08 of Chapter 82 obliged to present confirmation the governor refused then commenced the declaratory judgment of Chapter 82. The Governor Hammond judgment, declaring unconstitutional. This appeal

The controlling issue we are called on to determine is contained in Article I, Section 1 and concern the powers of the governor.<sup>3</sup> Article provides:

The executive power is vested in the governor. Article III, Section 1 that:

The head of each executive department shall be a single person, as provided by law, and appointed by the governor, subject to confirmation by a majority of the legislature.

2. AS 22.10.020(b) provides: In case of an emergency, the supreme court, the state, the superior court, or an appropriate agency, may grant relief. The declaration shall be a final judgment of the court, and shall be as such. Further relief may be granted, and a hearing, against the

Bill 98. After initial passage, Governor Hammond vetoed the bill on the ground that Section 1 thereof impinged upon the executive power of appointment. On May 21, 1975, the legislature, in joint session, overrode the veto. The act then became law the following day as Chapter 82 of the 1975 Session Laws of Alaska (hereinafter Chapter 82).

Subsequent to enactment of Chapter 82, Governor Hammond appointed persons to posts affected by the Act's provisions. Under AS 39.05.080(1), part of the codification of Chapter 82, the governor was obliged to present to the legislature for confirmation the names of these persons. The governor refused to do so. Appellants then commenced this action for a declaratory judgment<sup>2</sup> of the constitutionality of Chapter 82. The superior court granted Governor Hammond's motion for summary judgment, declaring Section 1 unconstitutional. This appeal followed.

The controlling constitutional provisions we are called on to interpret here are contained in Article III of Alaska's constitution and concern the appointive powers of the governor.<sup>3</sup> Article III, Section 1 provides:

The executive power of the State is vested in the governor.

Article III, Section 25 further provides that:

The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members

of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of State. The heads of all principal departments shall be citizens of the United States.

This provision explicitly empowers the governor to appoint and dismiss the head of each principal department. It subjects these executive appointments to confirmation by a majority of the members of the legislature in joint session. Article III, Section 26 treats related offices and provides:

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

As with Section 25, Section 26 vests the power of appointment in the governor and the power to confirm in the legislature in joint session. Removal of Section 26 board or commission members is as provided by law and, therefore, not necessarily at the governor's pleasure.

As analyzed by appellants, the sole question in this appeal is whether Sections 25 and 26 of Article III describe the outer

2. AS 22.10.020(b) provides:

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. The declaration has the force and effect of a final judgment or decree and is reviewable as such. Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against an adverse party whose

rights have been determined by the judgment.

3. There is no dispute that our constitution was designed with a strong executive in mind. Executive Committee Chairman Victor Rivers reported to the floor that "[w]e are all strongly agreed on the principle of the strong executive." Alaska Constitutional Convention Proceedings at 1981 (hereinafter ACCP). *Accord*, ACCP at 1102, 1741, 1980-88, 2038, 3103.

limits of the legislature's confirmation authority, or whether the legislature may by statute require confirmation of other high-level, policy-making officials within the executive branch. In arguing that Sections 25 and 26 only establish a constitutional minimum requiring that certain appointments within the executive branch must be legislatively confirmed, appellants emphasize that neither Section 25 nor 26 prohibits the legislature from requiring confirmation of other executive appointments. Admitting that the power to enact legislative confirmation requirements in addition to those provided for in Sections 25 and 26 is not explicitly conferred on the legislature by Alaska's constitution, appellants advance the contention that the validity of Chapter 82 turns on whether such enactments are within the ambit of the constitution's general grant of legislative power to the legislative branch of Alaska's government.<sup>4</sup>

In opposition, appellee Hammond primarily argues that the power to confirm

executive officers is an executive power which may be lawfully exercised by the legislature only to the extent granted by the Alaska Constitution. Viewed in this manner, appellee analyzes the power to confirm executive officers as part of the appointment process, incapable of existence independent of the power of appointment, and characterizes this confirmation authority as a power "super-added" to the legislature's general legislative powers. Thus, appellee would find that Sections 25 and 26 set the maximum rather than the minimum parameters of the legislature's power to confirm appointments of executive officers. This follows, according to appellee, from the fact that legislative confirmation is a delegated function taken from an executive function, and thus the breadth of this delegated authority must be strictly construed.<sup>5</sup> Applying this strict interpretative criterion, appellee concludes that Chapter 82 is violative of the separation of

powers doctrine implication.

After study of the oral arguments of re March 25, 1976, this court affirming the superior that Section 1, Chapter unconstitutional. In t indicated that a full c sued in due course.<sup>6</sup>

[1] In *Alaska State System v. Mueller*, 536 Alaska 1975), we observed wrote our constitutional framework of ment. The government State of Alaska was d three branches, the ex tive and the judicial." partite form of gover Alaska, this court conc *Public Defender Agency v. State Judicial District*, 534 F 1975), that ". . . . plied that this state do

4. Article II, Section 1 of the Alaska Constitution provides in part that "[t]he legislative power of the State is vested in a legislature . . . ."

In support of their thesis that the confirmation power is within the legislative power grant of Article II, Section 1, appellants contend that the record of the constitutional convention demonstrates that the delegates "clearly understood that the legislature would have authority to enact statutory confirmation requirements." Additionally, appellants point to the circumstance that since the inception of statehood both the executive and legislative branches "have consistently acted upon the understanding that the legislature has such authority" and this longstanding interpretation should be accorded significant weight by the judiciary in matters of constitutional interpretation. *Okanogan Indians v. United States* (The Pocket Veto Case) 270 U.S. 655, 49 S.Ct. 363, 73 L.Ed. 894 (1929); *Hampton v. United States*, 276 U.S. 394, 48 S.Ct. 345, 72 L.Ed. 624 (1928); *Downes v. Bidwell*, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901); see generally 16 Am.Jur.2d Constitutional Law § 83 (1964); 16 C.J.S. Constitutional Law §§ 32-34 (1956).

In addition appellants emphasize that this interpretation dates back to the first years of statehood. Contemporaneous interpretation of fundamental law by those partici-

pating in its drafting has traditionally been viewed as especially weighty evidence of the framers' intent. *Myers v. United States*, 272 U.S. 52, 47 S.Ct. 21, 71 L.Ed. 100 (1926); *Cooper Mfg. Co. v. Ferguson*, 113 U.S. 727, 5 S.Ct. 730, 28 L.Ed. 1137 (1885); *Norfolk & W. Ry. Co. v. Board of Public Works*, 124 W.Va. 562, 21 S.E.2d 143 (1942); *Jones v. Williams*, 121 Tex. 94, 45 S.W.2d 130 (1931).

5. Countering appellants' contention, appellee's reading of Alaska's constitutional history demonstrates "an intent by the constitutional framers to restrict legislative confirmation of those officers set forth in Art. III, §§ 25 and 26."

The attorney general candidly admitted at oral argument that examination of practice between the legislative and executive branches since statehood indicates that the executive has at least acquiesced to legislative confirmation of certain subcabinet officials. However, he argued that the political reality of a legislature dominated by the same party as that of the governor, as well as the minor interference such intervention created, indicates that the executive stance in the past should not be read as a "constitutional interpretation by a coordinate branch of government," but rather as a product of a realistic ordering of executive goals at the time.

6. At oral argument I advised that if a decision in the immediate future without prejudice to appeal, intended to various subcabinet appointments in order to hearings. Our March to these disclosed time

7. In *Public Defender Court, Third Judicial* 950 (Alaska 1975), we though the Alaska expressly address the separation of powers, what is implied is the constitution as what *Nolan*, 414 P.2d 689.

In reaching this doctrine of separation of the Alaska Constitution *Billings*, 196 Kan. 7 (1966), where the K nekknowledged that the from the existence of t tional provisions call government.

8. *Continental* dealt in contempt powers of There we observed th

powers doctrine implied in Alaska's constitution.

After study of the excellent briefs and oral arguments of respective counsel, on March 25, 1976, this court issued an order affirming the superior court's declaration that Section 1, Chapter 82, SLA 1975 is unconstitutional. In this order we further indicated that a full opinion would be issued in due course.<sup>6</sup>

[1] In *Alaska State-Operated School System v. Mueller*, 536 P.2d 99, 103 (Alaska 1975), we observed that "[t]hose who wrote our constitution followed the traditional framework of American government. The governmental authority of the State of Alaska was distributed among the three branches, the executive, the legislative and the judicial." Analyzing this tripartite form of government provided for Alaska, this court concluded, in *Public Defender Agency v. Superior Court, Third Judicial District*, 534 P.2d 947, 950 (Alaska 1975), that ". . . it can be fairly implied that this state does recognize the sep-

aration of powers doctrine."<sup>7</sup> Our recent opinion in *Continental Insurance Cos. v. Bayless & Roberts, Inc.*, 548 P.2d 398, 410-11 (Alaska 1976), acknowledges that the underlying rationale of the doctrine of separation of powers is the avoidance of tyrannical aggrandizement of power by a single branch of government through the mechanism of diffusion of governmental powers.<sup>8</sup> It is clear that the doctrine is not a common law concept; it is, however, a brooding omnipresence by virtue of its conceptually central role in the structure of American constitutional government.

A problem inherent in applying the doctrine of "separation of powers" stems from the fact that the doctrine is descriptive of only one facet of American government. The complementary doctrine of checks and balances must of necessity be considered in determining the scope of the doctrine of separation of powers.<sup>9</sup> Both doctrines address and are designed to resolve the problem of efficient government versus tyrannical government<sup>10</sup> and have as their goal

6. At oral argument respective counsel advised that if a decision was not forthcoming in the immediate future, Governor Hammond, without prejudice to his position in this appeal, intended to submit the names of various subcabinet appointments to the legislature in order to facilitate confirmation hearings. Our March order was in response to these disclosed time constraints.

7. In *Public Defender Agency v. Superior Court, Third Judicial District*, 534 P.2d 947, 950 (Alaska 1975), we also said that "[a]lthough the Alaska Constitution does not expressly address itself to the doctrine of separation of powers, we have noted that often what is implied is as much a part of the constitution as what is expressed. *Wade v. Nolan*, 414 P.2d 689, 698 (Alaska 1966)."

In reaching this conclusion that the doctrine of separation of powers is implicit in the Alaska Constitution, we cited *Lira v. Billings*, 196 Kan. 726, 414 P.2d 13, 16 (1966), where the Kansas Supreme Court acknowledged that the doctrine is implied from the existence of three separate constitutional provisions calling for three branches of government.

8. *Continental* dealt in part with the inherent contempt powers of the courts of Alaska. There we observed that the inherent power

to punish for contempt exists independently of statute and that although the legislature may regulate the procedure and enlarge the power, it cannot ". . . 'without trenching upon the constitutional powers of the court, and destroying the autonomy of that system of checks and balances which is one of the chief features of our triple-department form of government, fetter the power itself.'" *Continental Ins. Cos. v. Bayless & Roberts, Inc.*, 548 P.2d 398, 410 (Alaska 1976), quoting *In re Shartridge*, 90 Cal. 526, 528, 34 P. 227, 229 (1893).

The doctrine prohibits one branch from encroaching upon and exercising the powers of another branch. *Myers v. United States*, 272 U.S. 52, 47 S.Ct. 21, 71 L.Ed. 160 (1926); *Giss v. Jordan*, 82 Ariz. 152, 309 P.2d 770 (1957).

9. ". . . a dynamic relationship of cooperation and conflict. . . ." R. Tresolini & M. Shapiro, *American Constitutional Law* 9 (3d ed. 1970) [hereinafter *Tresolini*].

10. *Tresolini*, *supra* note 9, at 11. Compare *O'Donoghue v. United States*, 289 U.S. 510, 530, 53 S.Ct. 740, 77 L.Ed. 1350, 1360 (1933) and *United Public Workers of America v. Mitchell*, 330 U.S. 75, 91, 67 S.Ct. 550, 565, 91 L.Ed. 754, 765 (1947).



great a concentration of power in one branch, would be defeated.

[3] Given our conclusion that under Alaska's constitution the appointment of subordinate executive officers by the governor is an executive function, it is then necessary to determine the nature of the legislature's confirmation powers. Here we are in agreement with appellee's analysis that under Alaska's constitution confirmation is a specific attribute of the appointive power of the executive.<sup>18</sup> Other courts which have been called upon to resolve this issue have been unanimous in their holdings that confirmation is not a distinct legislative power, but rather a part of the executive power of appointment which has in turn been delegated in some specific instances by constitution to the legislative branch of government.<sup>19</sup>

In light of the nature of the legislature's power of confirmation, the question whether Sections 25 and 26 of Article III describe the outer limits of the legislature's confirmation authority, or whether the leg-

islature may by statute require confirmation of other high-level, policy making officials within the executive branch, admits of but one resolution. As to this issue, we think the provisions of Sections 25 and 26 of Article III are clear and unambiguous.<sup>20</sup> Thus, we conclude that Sections 25 and 26 mark the full reach of the delegated, or shared, appointive function to Alaska's legislative branch of government.<sup>21</sup>

[4-5] The lack of ambiguity in Sections 25 and 26 of Article III of the Alaska Constitution mandate that this court interpret these express provisions as embodying not only the maximum parameters of the delegation of the executive appointive authority through the legislative confirmation function but, further, that they delineate the full extent of the constitution's express grant to the legislative branch of checks on the governor's power to appoint subordinate executive officers. In our view, the separation of powers doctrine requires that the blending of governmental powers will not be inferred in the absence of an express constitutional provision.<sup>22</sup>

18. In *Myers v. United States*, 272 U.S. 56, 169, 47 S.Ct. 21, 43, 71 L.Ed. 160, 187 (1926), the Supreme Court termed confirmation a power "super added" to those possessed by the legislature.

19. *Myers v. United States*, 272 U.S. 56, 135-39, 47 S.Ct. 21, 32-33, 71 L.Ed. 160, 174-75 (1926); *Wittler v. Baumgartner*, 180 Neb. 446, 144 N.W.2d 62, 67 (1966); *Spears v. Davis*, 398 S.W.2d 921 (Tex. 1966); *Waller v. Baker*, 145 Tex. 121, 196 S.W.2d 324 (1946); *State v. Dowling*, 167 La. 907, 120 So. 593 (1928); *People v. Shaverer*, 30 Wyo. 366, 222 P. 11 (1924).

20. Compare *Warwick v. State ex rel. Chance*, 548 P.2d 384, 391-96 (Alaska 1976).

21. In *O'Donoghue v. United States*, 289 U.S. 516, 530, 53 S.Ct. 740, 743, 77 L.Ed. 1356 (1933) (emphasis added), the Supreme court said:

The Constitution, in distributing the powers of government, creates three distinct and separate departments—the legislative, the executive, and the judicial. This separation is not merely a matter of convenience or of governmental mechanism. Its object is basic and vital, *Springer v. Philippine Islands*, 277 U.S. 189, 201, 48 S.Ct. 477, 72 L.Ed. 845; namely, to preclude a com-

mingling of these essentially different powers of government in the same hands. And this object is none the less apparent and controlling because there is to be found in the Constitution an occasional specific provision conferring upon a given department certain functions, which, by their nature, would otherwise fall within the general scope of the powers of another. Such exceptions serve rather to emphasize the generally inviolate character of the plan.

22. Compare *Lege v. Martin*, 379 P.2d 447, 450 (Alaska 1963). See also *State v. Campbell*, 536 P.2d 105, 110-11 (Alaska 1975), where we said (footnotes omitted):

This court is admittedly under a duty to reconcile, whenever possible, challenged legislation with the constitution by rendering a construction that would harmonize the statutory language with specific constitutional provisions. However, in fulfilling that duty, the extent to which the express language of the provision can be altered and departed from and the extent to which the infirmities can be rectified by the use of implied terms is limited by the constitutionally decreed separation of powers which prohibits this court from enacting legislation or redrafting defective statutes.

To hold otherwise would emasculate the restraints engendered by the doctrine of separation of powers and result in potentially serious encroachments upon the executive by the legislative branch, because there would be no logical termination point to the legislature's confirmation of executive appointments.<sup>23</sup>

The superior court's judgment is affirmed.

CONNOR and BURKE, JJ., not participating.



Kenneth D. MOORE et al., Appellants,

v.

STATE of Alaska et al., Appellees.

STANDARD OIL COMPANY OF CALIFORNIA, Cross-Appellant,

v.

Kenneth D. MOORE et al., Cross-Appellees.  
Nos. 2551, 2587.

Supreme Court of Alaska,  
July 8, 1976.

Fishermen and owner of lodge on Kachemak Bay brought action challenging legality of sale of certain offshore oil and gas leases in the Bay. The Superior Court, Third Judicial District, Anchorage, Thomas E. Schulz, J., granted defendants' motion for summary judgment and fishermen and lodge owner appealed. The Supreme Court, in separate opinions by Connor and Rabinowitz, JJ., held that the action was not barred by laches; that legal requirements concerning publication of notice of sale were met; that determination that the sale was in the best interests of the State was required to be made prior to

the sale; that contention that no such decision had been made was subject to judicial review; that the director of the division of lands had not made such a determination; that remand was required for determination of whether commissioner of natural resources had relieved the director of the division of lands of the responsibility for making that decision; that director of division of lands was required to consult with planning agencies in two cities and one borough in the vicinity of Kachemak Bay prior to entering into the sale; but that rule requiring the director to enter into such consultation would be applied prospectively only.

Remanded.

Dimond, J. pro tem., dissented in part and filed an opinion in which Rabinowitz, J., concurred.

Connor, J., filed a statement dissenting in part.

1. Appeal and Error ⇨949  
Equity ⇨84

Decision to sustain a defense based on laches is properly addressed to the discretion of the trial court and will not be overturned unless the Supreme Court feels a definite and firm conviction that a mistake has been committed.

2. Appeal and Error ⇨1169(8)

Although clear error in a trial court ruling cannot be demonstrated by merely showing a conflict in evidence and Supreme Court will reverse on high conflicting evidence, existence of conflicts in evidence which give rise to genuine issues of material fact provides an adequate ground for reversal of a grant of summary judgment.

3. Equity ⇨72(1)

Before the equitable doctrine of laches can be applied, defendant must show that the plaintiff was guilty of inexcusable delay and that the delay resulted in undue prejudice to the defendant.

23. Our holding makes it unnecessary to discuss any of the other arguments advanced in this appeal.

4. Equity ⇨71(2)

Element of undue laches is shown to establish laches if diligence and neglect are shown and unexplained length of time and circumstance permitting delay.

5. Mines and Minerals ⇨

Where press release by governor's office announcing offshore oil and gas lease in 1972, where call for lease was issued on July 13, 1973, where sale was granted on August 1, 1973, where formal notices of lease were issued in November of 1973, where lease was issued in December of 1973, where lease was issued in January of 1974, where permit authorizing lessee to explore was issued on November 12, 1974, challenging the sale three weeks later, where leases were not guilty of delay as to bar them from asserting laches, from asserting

6. Equity ⇨71(2)

In applying the doctrine of laches, the court is not so much concerned with the alleged wrong of the plaintiff as with the determining whether the resulting prejudice to the defendant is reasonable to expect if the wrong is not corrected.

7. Equity ⇨71(2)

One of the factors in measuring plaintiff's claim of laches with respect to certain actions having been taken when, under the circumstances, no longer reasonable to expect that defendant would sue under the law.

8. Appeal and Error ⇨

Although Supreme Court by the trial court's judgment and error, if the ultimate justice of the record, errors are not to be corrected that the judge's overall assessment of the

January 26, 1981

Nancy Carlson, Director  
Alaska Public Offices Comm.  
610 C Street  
Anchorage, Ak. 99501

Dear Nancy:

As per the telephone call my office placed to you last week, I am requesting copies of conflict of interest statements (statements of financial disclosure) for the following persons. Your assistance in providing this information will be appreciated.

James Chase, Anchorage	Human Rights Commission
Morgan Reed, Skagway	Personnel Board
Gordon Zerbertz, Anchorage	Public Utilities Comm.
Karen Cory, Anchorage	Pipeline Commission
Janis Williams, Juneau	Pipeline Commission

The first three names are of reappointed persons. The last two are new appointments. We understand that the statements are for the 1980 calendar year, and for 1980 if available. Thank you.

Sincerely,

Sen. V. Fischer  
Chairman, Senate State Affairs Committee

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# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

### M E M O R A N D U M

TO: Senator Jalmar Kerttula, President  
Alaska State Senate

FROM: Senate State Affairs Committee

DATE: April 6, 1981

RE: Governor's appointment to the Alaska Public  
Offices Commission

-----

Pursuant to your instructions the Senate State Affairs Committee has had under consideration the Governor's appointment to the Alaska Public Offices Commission and reports back with the following recommendation:

Mildred A. Opland, Anchorage, term expiring 2/1/86

#### Member

#### Recommendation

Senator Fischer, Chair

*V. Fischer approved*

Senator Colletta, Vice-Chair

*Mike Colletta " "*

Senator Bradley

*Brad J. Bradley approved*

Senator Eliason

*Bill Eliason " "*

Senator Stimson

*J. Stimson approved*



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

### M E M O R A N D U M

TO: Senator Jalmar Kerttula, President  
Alaska State Senate

FROM: Senate State Affairs Committee

DATE: April 6, 1981

RE: Governor's appointments to the Board of Electrical  
Examirers

-----

Pursuant to your instructions and in accordance with AS 39.05.080, the Senate State Affairs Committee has had under consideration the Governor's appointments to the Board of Electrical Examiners and reports back with the following recommendations:

George McCoy, Anchorage, term expiring 7/10/82  
Terence Duszynski, Fairbanks, term expiring 7/10/83

<u>Member</u>	<u>Recommendation</u>
Senator Fischer, Chair	<i>Vic Fischer approved</i>
Senator Colletta, Vice-Chair	<i>Mike Colletta " "</i>
Senator Bradley	<i>Brad Bradley approved</i>
Senator Eliason	<i>Al Eliason " "</i>
Senator Stimson	<i>T Stimson approved</i>



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

### M E M O R A N D U M

TO: Senator Jalmar Kerttula, President  
Alaska State Senate

FROM: Senate State Affairs Committee

DATE: April 6, 1981

RE: Governor's appointments to the State Board of  
Registration for Architects, Engineers and Land  
Surveyors

-----

Pursuant to your instructions and in accordance with AS 39.05.080, the Senate State Affairs Committee has had under consideration the Governor's appointments to the State Board of Registration for Architects, Engineers and Land Surveyors and reports back with the following recommendations:

Gerald Myers, Fairbanks, term expiring 7/1/86  
Odin Strandberg, Anchorage, term expiring 7/1/81

<u>Member</u>	<u>Recommendation</u>
Senator Fischer, Chair	<u>Vic Fischer approved</u>
Senator Colletta, Vice-Chair	<u>Wade Colletta " "</u>
Senator Bradley	<u>Bradley approved</u>
Senator Eliason	<u>Eliason " "</u>
Senator Stimson	<u>Stimson approved</u>



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

### M E M O R A N D U M

TO: Senator Jalmar Kerttula, President  
Alaska State Senate

FROM: Senate State Affairs Committee

DATE: April 6, 1981

RE: Governor's appointment to the State Commission for  
Human Rights

-----

Pursuant to your instructions and in accordance with AS 39.05.080, the Senate State Affairs Committee has had under consideration the Governor's appointment to the State Commission for Human Rights and reports back with the following recommendation:

James Chase, Anchorage, term expiring 1/31/86

<u>Member</u>	<u>Recommendation</u>
Senator Fischer, Chair	<i>V. Fischer approved</i>
Senator Colletta, Vice-Chair	<i>Luigi Colletta " "</i>
Senator Bradley	<i>Bradley Bradley approved</i>
Senator Eliason	<i>R. Eliason " "</i>
Senator Stimson	<i>J. Stimson approved</i>

# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

### M E M O R A N D U M

TO: Senator Jalmar Kerttula, President  
Alaska State Senate

FROM: Senate State Affairs Committee

DATE: April 6, 1981

RE: Governor's appointment to the Personnel Board

-----

Pursuant to your instructions and in accordance with AS 39.05.080, the Senate State Affairs Committee has had under consideration the Governor's appointment to the Personnel Board and reports back with the following recommendation:

Morgan Reed, Skagway, term expiring 6/20/86

#### Member

#### Recommendation

Senator Fischer, Chair

V. Fischer approved

Senator Colletta, Vice-Chair

Mike Colletta " "

Senator Bradley

Brad Bradley approved

Senator Eliason

Al Eliason " "

Senator Stinson

T Stinson approved



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

### M E M O R A N D U M

TO: Senator Jalmar Kerrettula, President

FROM: Senate State Affairs Committee

DATE: April 6, 1981

RE: Governor's appointments to the Athletic Commission

-----

Pursuant to your instructions and in accordance with AS 39.05.080, the Senate State Affairs Committee has had under consideration the Governor's appointments to the Athletic Commission and reports back with the following recommendations:

Don Dennis, Fairbanks, term expiring 5/14/82  
 Reginald Joule, Kotzebue, term expiring 5/14/82

<u>Member</u>	<u>Recommendation</u>
Senator Fischer, Chair	<i>V. Fischer</i> approved
Senator Colletta, Vice-Chair	<i>Vic Colletta</i> "
Senator Bradley	<i>Bradley</i> approved
Senator Eliason	<i>Eliason</i> "
Senator Stimson	<i>Stimson</i> approved



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

### M E M O R A N D U M

TO: Senator Jalmar Kerttula, President  
Alaska State Senate

FROM: Senate State Affairs Committee

DATE: April 6, 1981

RE: Governor's appointments to the Alaska Pipeline  
Commission

Pursuant to your instructions and in accordance with AS 39.05.080, the Senate State Affairs Committee has had under consideration the Governor's appointments to the Alaska Pipeline Commission and reports back with the following recommendations:

Karen Cory, Anchorage, term expiring 4/4/86  
Janis Williams, Juneau, term expiring 4/4/82

<u>Member</u>	<u>Recommendation</u>
Senator Fischer, Chair	<u>Vic Fischer</u> approved
Senator Colletta, Vice-Chair	<u>Mike Colletta</u> " "
Senator Bradley	<u>Brad Bradley</u> approved
Senator Eliason	<u>Mike Eliason</u> " "
Senator Stimson	<u>T Stimson</u> approved



Alaska  
Independent  
Baseball  
League, Inc.

FEB 6 1981

February 3, 1981

Honorable Jay Kerttula  
State Senator  
Pouch V  
Juneau, AK.

Dear Jay:

In using criteria such as overall balance, receptiveness and an attitude of co-operation, I regret that I can not support the confirmation of Mr. Don Dennis of Fairbanks to the position of Athletic Commissioner for this State.

Sincerely,

Vince O'Reilly  
Commissioner

VOR:jr

RECEIVED  
*has certified*  
MAY 5 1980

CONFLICT OF INTEREST STATEMENT FOR PUBLIC OFFICIAL OR CANDIDATE  
COMMISSION

PART 1. GENERAL INFORMATION

REPORTING PERIOD: January 1, 19 79 to December 31, 19 79 (Preceding Calendar year)

REPORTING OFFICIAL: Name: James H. Chase

Resident Address: 3023 Madison Way Mailing Address: same

City: Anchorage State: ALASKA Zip Code: 99504

APPLICABLE OFFICE (Mark one or more, as appropriate, and complete blanks):

A. State Public Official:

Legislative \_\_\_\_\_  Judicial: \_\_\_\_\_  
(Senator or Representative) (title)

Executive \_\_\_\_\_  
(title of position) (name of department)

Board or Commission Commission for Human Rights  
(name of Board or Commission)

B. Municipal Public Official:

Mayor  School Board Member  
 Borough or City Manager  Utility Board Member  
 Assembly or Council Person  Planning and Zoning Commission Member

TERM OF OFFICE: Begin \_\_\_\_\_ End \_\_\_\_\_

If Candidate, Date Declaration of Candidacy Filed: \_\_\_\_\_

If Appointed or Hired, Date of Appointment: April 9, 1980

MEMBERS OF FAMILY OF REPORTING OFFICIAL: (Please list names)

Spouse: Marlene G. Chase Dependent Children: Joyce N Chase  
Donna L. Chase

Non-dependent Children Living with Reporting Official: none

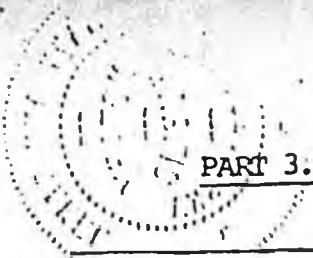
PART 2. CERTIFICATION

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this conflict of interest statement are, to the best of my knowledge, true, correct, and complete.

DATED: May 5 1980 SIGNED: James H. Chase

SUBSCRIBED AND SWORN to before me this 5 day of May, 1980.

Notary Public: May Ann Baker  
My commission expires: April 26, 1983



PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100  
(see Manual of Instructions, page 7)

<u>NAME (of reporting official, spouse, etc.)</u>	<u>SOURCE OF INCOME</u>
1) Salary: James H. Chase James H. Chase	University of Alaska, Anchorage United States Air Force Pension
Marlene G. Chase	Anchorage School District
Joyce N. Chase	Three Sisters Fabric
Donna L. Chase	DOF State of Alaska
Donna L. Chase	Jeans West
2) Rentals:	
None	
3) Dividends and Interest:	
None	
4) Self employment (business name, clients, customers): Polychrome Consultants	Anchorage School District
5) Other:	

(Use continuation sheet if necessary)

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTERESTS AS A STOCKHOLDER,  
OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE  
(see Manual of Instructions, page 9)

<u>NAME (reporting official, spouse, etc.)</u>	<u>NATURE OF INVOLVEMENT OR INTEREST</u>	<u>NAME AND ADDRESS OF BUSINESS</u>
James H. Chase	Owner	Polychrome Consultants P.O. Box 1394 Anchorage, AK 99510

(continue on blank sheet if necessary)

PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY  
(see Manual of Instructions, page 10)

<u>NAME (of reporting official, spouse, etc.)</u>	<u>IDENTITY OF PROPERTY, INCLUDING LOCATION AND CURRENT USE</u>	<u>NATURE OF INTEREST</u>
James H. Chase	Lot 15 - Block 5 College Village s/d Addition #5	Owned Residence

(continue on blank sheet if necessary)

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION  
(see Manual of Instructions, page 11)

<u>NAME (reporting official, spouse, etc.)</u>	<u>TRUSTOR</u>	<u>PROPERTY</u>	<u>EXTEN. OF INTEREST</u>
None			

(continue on blank sheet if necessary)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE  
(see Manual of Instructions, page 12)

<u>NAME (reporting/official spouse, etc.)</u>	<u>IDENTITY OF MAKER OF LOAN, LOAN GUARANTOR, OR CREDITOR</u>
Joyce N. Chase	State School Loan

(continue on blank sheet if necessary)

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR AN INSTRUMENTALITY OF THE STATE  
(see Manual of Instructions, page 13)

<u>NAME AND RELATIONSHIP (John Doe, reporting off.; Jan Doe, spouse)</u>	<u>STATE CONTRACTING DEPT. OR INSTRUMENTALITY</u>	<u>IDENTITY OF CONTRACT</u>	<u>INDICATE: BID, HELD, OFFERED</u>
None			

(continue on blank sheet if necessary)

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL, OR OTHER NATURAL RESOURCES  
(see Manual of Instructions, page 15)

<u>NAME AND RELATIONSHIP (John Doe, reporting off.; Mary Doe, mother)</u>	<u>NATURE OF LEASE</u>	<u>IDENTITY OF LEASE</u>	<u>INDICATE: HELD OR OFFERED</u>
None			

(continue on blank sheet if necessary)

CONFLICT OF INTEREST STATEMENT FOR PUBLIC OFFICIAL OR CANDIDATE

PART 1. GENERAL INFORMATION

REPORTING PERIOD: January 1, 19 79 to December 31, 19 79 (Preceding Calendar year)

REPORTING OFFICIAL: Name: Thomas H. Reed

Resident Address: \_\_\_\_\_ Mailing Address: Bonita

City: Wasilla State: ALASKA Zip Code: 99840

APPLICABLE OFFICE (Mark one or more, as appropriate, and complete blanks):

A. State Public Official:

Legislative \_\_\_\_\_  Judicial: \_\_\_\_\_  
(Senator or Representative) (title)

Executive \_\_\_\_\_  
(title of position) (name of department)

Board or Commission Salmon Fisheries Retirement Personnel  
(name of Board or Commission)

B. Municipal Public Official:

Mayor  School Board Member

Borough or City Manager  Utility Board Member

Assembly or Council Person  Planning and Zoning Commission Member

TERM OF OFFICE: Begin \_\_\_\_\_ End \_\_\_\_\_

If Candidate, Date Declaration of Candidacy Filed: \_\_\_\_\_

If Appointed or Hired, Date of Appointment: \_\_\_\_\_

MEMBERS OF FAMILY OF REPORTING OFFICIAL: (Please list names)

Spouse: Bladen Dependent Children: \_\_\_\_\_

Non-dependent Children Living with Reporting Official: \_\_\_\_\_

PART 2. CERTIFICATION

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this conflict of interest statement are, to the best of my knowledge, true, correct, and complete.

DATED: 4-14-80 SIGNED: Thomas H. Reed

SUBSCRIBED AND SWORN to before me this 14 day of April, 19 80.

Notary Public: Wanda Warner  
My commission expires: \_\_\_\_\_



PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100  
 (see Manual of Instructions, page 7)

<u>NAME</u> (of reporting official, spouse, etc.)	<u>SOURCE OF INCOME</u>
1) Salary:	
<i>Morris H. Freed</i>	<i>Natl. Postal Assoc.</i>
2) Rentals:	
<i>R. Birelli</i>	<i>E. LaForce</i>
<i>J. Elwood</i>	
<i>J. Reynolds</i>	<i>D. Brucina</i>
<i>B. Hobbes</i>	<i>G. Herman</i>
<i>S. Thayer</i>	<i>M. Scroggs</i>
3) Dividends and Interest:	
<i>Haines Steel</i>	<i>Brunswick</i>
<i>Realty Sabatino</i>	
<i>Yonkers</i>	
4) Self employment (business name, clients, customers):	
5) Other:	

(Use continuation sheet if necessary)

**PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST ; A STOCKHOLDER, OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE**  
 (see Manual of Instructions, page 9)

<u>NAME</u> (reporting official, spouse, etc.)	<u>NATURE OF INVOLVEMENT OR INTEREST</u>	<u>NAME AND ADDRESS OF BUSINESS</u>
<u>Margaret H. Reed</u>	<u>Stockholder</u>	<u>Union Steel Corp</u>
		<u>Reliance Laboratories</u>
		<u>Microwave</u>
		<u>Summit</u>
		<u>Simplicity Pattern</u>

(continue on blank sheet if necessary)

**PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY**  
 (see Manual of Instructions, page 10)

<u>NAME</u> (of reporting official, spouse, etc.)	<u>IDENTITY OF PROPERTY INCLUDING LOCATION AND CURRENT USE</u>	<u>NATURE OF INTEREST</u>
<u>Margaret H. Reed</u>	<u>City of Springfield</u> <u>L. 748 Block 27 Rental</u> <u>L. 4 " 28 "</u> <u>L. 5+6 " 23 "</u> <u>L. 1-2-3-4 " 112 "</u>	<u>own</u>
	<u>3 1/2 Acre Homestead Located Near Day Runover Residence</u>	

(continue on blank sheet if necessary)

**PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION**  
 (see Manual of Instructions, page 11)

<u>NAME</u> (reporting official, spouse, etc.)	<u>TRUSTOR</u>	<u>PROPERTY</u>	<u>EXTENT OF INTEREST</u>

(continue on blank sheet if necessary)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE  
(see Manual of Instructions, page 12)

<u>NAME</u> (reporting official spouse, etc.)	<u>IDENTITY OF MAKER OF LOAN, LOAN GUARANTOR, OR CREDITOR</u>
<u>Morgan H. Reed</u>	<u>National Bank Alaska</u>

(continue on blank sheet if necessary)

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR AN INSTRUMENTALITY OF THE STATE  
(see Manual of Instructions, page 13)

<u>NAME AND RELATIONSHIP</u> (John Doe, reporting off.; Jan Doe, spouse)	<u>STATE CONTRACTING DEPT. OR INSTRUMENTALITY</u>	<u>IDENTITY OF CONTRACT</u>	<u>INDICATE: BID, HELD, OFFERED</u>
<u>None</u>			

(continue on blank sheet if necessary)

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL, OR OTHER NATURAL RESOURCES  
(see Manual of Instructions, page 15)

<u>NAME AND RELATIONSHIP</u> (John Doe, reporting off.; Mary Doe, mother)	<u>NATURE OF LEASE</u>	<u>IDENTITY OF LEASE</u>	<u>INDICATE: HELD OR OFFERED</u>
	<u>None</u>		

(continue on blank sheet if necessary)

STATE OF ALASKA  
ALASKA PUBLIC OFFICES COMMISSION  
610 C Street, Suite 209  
Anchorage, Alaska 99501

RECEIVED  
*Neil Campbell*  
APR 14 1980

CONFLICT OF INTEREST STATEMENT FOR PUBLIC OFFICIAL, OR CANDIDATE  
COMMISSION

PART 1. GENERAL INFORMATION

REPORTING PERIOD: January 1, 19 79 to December 31, 19 79 (Preceding Calendar year)

REPORTING OFFICIAL: Name: GORDON J. ZERBETZ

Resident Address: 525 W. 3rd Avenue Apt. #5 Mailing Address: 1100 MacKay Bldg. Denali 338

City: Anchorage State: ALASKA Zip Code: 99501

APPLICABLE OFFICE (Mark one or more, as appropriate, and complete blanks):

A. State Public Official:

Legislative \_\_\_\_\_  Judicial: \_\_\_\_\_  
(Senator or Representative) (title)

Executive \_\_\_\_\_  
(title of position) (name of department)

Board or Commission Alaska Public Utilities Commission  
(name of Board or Commission)

B. Municipal Public Official:

Mayor  School Board Member  
 Borough or City Manager  Utility Board Member  
 Assembly or Council Person  Planning and Zoning Commission Member

TERM OF OFFICE: Begin October 31, 1974 End October 31, 1980

If Candidate, Date Declaration of Candidacy Filed: \_\_\_\_\_

If Appointed or Hired, Date of Appointment: October 31, 1974

MEMBERS OF FAMILY OF REPORTING OFFICIAL: (Please list names)

Spouse: None Dependent Children: Evon Marie Zerbetz

Non-dependent Children Living with Reporting Official: None

PART 2. CERTIFICATION

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this conflict of interest statement are, to the best of my knowledge, true, correct, and complete.

DATED: April 14, 1980 SIGNED: *Gordon J. Zerbetz*

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of April, 19 80.

Notary Public: *E. Pignatelli*  
My commission expires: (Commission expires 1-14-84)

PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100  
(see Manual of Instructions, page 7)

NAME (of reporting official,  
spouse, etc.)

SOURCE OF INCOME

1) Salary:

Gordon J. Zerbetz

State of Alaska

2) Rentals:

Gordon J. Zerbetz

Leo Barlow

3) Dividends and Interest:

Gordon J. Zerbetz

David Val

Gordon J. Zerbetz

The Islanders

Gordon J. Zerbetz

Dean Witter

Gordon J. Zerbetz

Merrill, Lynch

4) Self employment (business name,  
clients, customers):

Gordon J. Zerbetz

Rarities Unlimited

5) Other:

N/A

(Use continuation sheet if necessary)

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST (A STOCKHOLDER, OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE)  
(see Manual of Instructions, page 9)

<u>NAME (reporting official, spouse, etc.)</u>	<u>NATURE OF INVOLVEMENT OR INTEREST</u>	<u>NAME AND ADDRESS OF BUSINESS</u>
Gordon J. Zerbetz	Stockholder	Stedman Hotel Co. c/o Self Ketchikan, Alaska
Gordon J. Zerbetz	Stockholder	Amstar Corporation NYSE
Gordon J. Zerbetz	Stockholder	National Bank of Alaska Anchorage, Alaska
Gordon J. Zerbetz	Stockholder	First National Bank of Ketchikan

(continue on blank sheet if necessary) (see continuation sheets)

PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY  
(see Manual of Instructions, page 10)

<u>NAME (of reporting official, spouse, etc.)</u>	<u>IDENTITY OF PROPERTY INCLUDING LOCATION AND CURRENT USE</u>	<u>NATURE OF INTEREST</u>
Gordon J. Zerbetz	Zerbetz Pine Apartments Co.	Co-owner
Gordon J. Zerbetz	Lot 3, Blk. 2, Gravina Island S/D	Owner
Gordon J. Zerbetz	Lot 172 USS 3156	Owner

(continue on blank sheet if necessary) (see continuation sheet)

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION  
(see Manual of Instructions, page 11)

<u>NAME (reporting official, spouse, etc.)</u>	<u>TRUSTOR</u>	<u>PROPERTY</u>	<u>EXTENT OF INTEREST</u>
	N/A		

(continue on blank sheet if necessary)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE  
(see Manual of Instructions, page 12)

<u>NAME (reporting official spouse, etc.)</u>	<u>IDENTITY OF MAKER OF LOAN, LOAN GUARANTOR, OR CREDITOR</u>
Gordon J. Zerbetz	State of Alaska Division of Veterans Affairs, Alaska

(continue on blank sheet if necessary)

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR AN INSTRUMENTALITY OF THE STATE  
(see Manual of Instructions, page 13)

<u>NAME AND RELATIONSHIP</u> (John Doe, reporting off.; Jan Doe, spouse)	<u>STATE CONTRACTING DEPT. OR INSTRUMENTALITY</u>	<u>IDENTITY OF CONTRACT</u>	<u>INDICATE: BID, HELD, OFFERED</u>
	N/A		

(continue on blank sheet if necessary)

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL, OR OTHER NATURAL RESOURCES  
(see Manual of Instructions, page 15)

<u>NAME AND RELATIONSHIP</u> (John Doe, reporting off.; Mary Doe, mother)	<u>NATURE OF LEASE</u>	<u>IDENTITY OF LEASE</u>	<u>INDICATE: HELD OR OFFERED</u>
Gregory (Son)	Aquaculture	Duke Island, AK	Held

(continue on blank sheet if necessary)

## CONTINUATION SHEET

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST AS A STOCKHOLDER,  
OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE

<u>NAME</u>	<u>NATURE OF INVOLVEMENT OR INTEREST</u>	<u>NAME AND ADDRESS OF BUSINESS</u>
Gordon J. Zerbetz	Stockholder	Alaska Bank of Commerce Anchorage, AK.
Gordon J. Zerbetz		Celanese Corporation NYSE
Gordon J. Zerbetz		Pan-American Airline NYSE
Gordon J. Zerbetz		Pay Less Drugs NYSE
Gordon J. Zerbetz		Hyatt Corp. OTC Dean Witter Co.
Gordon J. Zerbetz		Perma-Bilt Ind. NYSE
Gordon J. Zerbetz		Computer Automation NYSE
Gordon J. Zerbetz	Partner, Officer & Stockholder	Alaska Sea Ranch, Inc. Duke Island, Alaska
Gordon J. Zerbetz	Partner	Rarities Unlimited 900 West 54th St. Anchorage, Alaska
Gordon J. Zerbetz	Officer & Stockholder	MC Productions, Inc. Anchorage, Alaska
Gordon J. Zerbetz	Stockholder	Bay Center Mariculture Bay Center, Washington
Gordon J. Zerbetz	Stockholder	Tongass Trading Co., Inc. Ketchikan, Alaska
Gordon J. Zerbetz	Stockholder	Rustenberg Platinum LOND. EX.
Gordon J. Zerbetz	Stockholder	Instrument Systems c/o Dean Witter
Gordon J. Zerbetz	Stockholder	East Met c/o Dean Witter
Gordon J. Zerbetz	Stockholder	RMIC Corporation c/o Dean Witter

## CONTINUATION SHEET

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST AS A STOCKHOLDER,  
OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE

---

<u>NAME</u>	<u>NATURE OF INVOLVEMENT OR INTEREST</u>	<u>NAME AND ADDRESS OF BUSINESS</u>
Gordon J. Zerbetz	Stockholder	Alaska International Industries c/o Dean Witter
Gordon J. Zerbetz	Stockholder c/o Dean Witter	W. A. Kreuger
Gordon J. Zerbetz	Stockholder	Nordstrom c/o Dean witter
Gordon J. Zerbetz	Stockholder	Liberty Homes c/o Dean Witter

PART 5. REAL PROPERTY INTEREST OWNED, INCLUDING OPTIONS TO BUY

<u>NAME</u>	<u>IDENTITY OF PROPERTY INCLUDING LOCATION AND CURRENT USE</u>	<u>NATURE OF INTEREST</u>
Gordon J. Zerbetz	Turnagain Arms Condo Anchorage	Owner
Gordon J. Zerbetz	Lot 12, Sperstad S/D Anchorage	Owner
Gordon J. Zerbetz	Lots 1 and 2, Block 1 Pennock Island S/D	Owner

STATE OF ALASKA  
ALASKA PUBLIC OFFICERS COMMISSION  
610 C Street, Suite 209  
Anchorage, Alaska 99501

RECEIVED

JAN 15 1981

CONFLICT OF INTEREST STATEMENT FOR PUBLIC OFFICIAL OR CANDIDATE OFFICES COMMISSION

PART 1. GENERAL INFORMATION

REPORTING PERIOD: January 1, 19 ~~80~~ 79 to December 31, 19 ~~80~~ 79 (Preceding Calendar year)

REPORTING OFFICIAL: Name: Janis C. Williams

Resident Address: 4034 Reka Drive #2 Mailing Address: SAME

City: Anchorage State: ALASKA Zip Code: 99504

APPLICABLE OFFICE (Mark one or more, as appropriate, and complete blanks):

A. State Public Official:

Legislative \_\_\_\_\_  Judicial: \_\_\_\_\_  
(Senator or Representative) (title)

Executive \_\_\_\_\_  
(title of position) (name of department)

Board or Commission Alaska Pipeline Commission  
(name of Board or Commission)

B. Municipal Public Official:

Mayor  School Board Member  
 Borough or City Manager  Utility Board Member  
 Assembly or Council Person  Planning and Zoning Commission Member

TERM OF OFFICE: Begin \_\_\_\_\_ End \_\_\_\_\_

If Candidate, Date Declaration of Candidacy Filed: \_\_\_\_\_

If Appointed or Hired, Date of Appointment: November 12, 1980

MEMBERS OF FAMILY OF REPORTING OFFICIAL: (Please list names)

Spouse: NONE Dependent Children: NONE

Non-dependent Children Living with Reporting Official: NONE

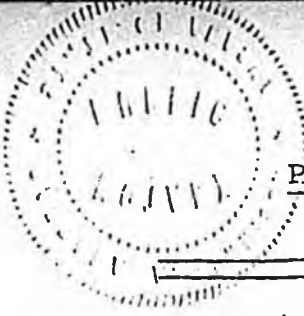
PART 2. CERTIFICATION

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this conflict of interest statement are, to the best of my knowledge, true, correct, and complete.

DATED: January 15, 1981 SIGNED: Janis C. Williams

SUBSCRIBED AND SWORN to before me this 15 day of January, 19 81.

Notary Public: Barbara A. Tennison  
My commission expires: 1-19-83



PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100  
(see Manual of Instructions, page 7)

<u>NAME</u> (of reporting official, spouse, etc.)	<u>SOURCE OF INCOME</u>
1) Salary:	
Janis C. Williams	STATE OF ALASKA
2) Rentals:	
N/A	
3) Dividends and Interest:	
N/A	
4) Self employment (business name, clients, customers):	
N/A	
5) Other:	
N/A	

(Use continuation sheet if necessary)

ALASKA DEPARTMENT OF FINANCE

11/79



PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTERESTS AS A STOCKHOLDER,  
OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE  
(see Manual of Instructions, page 9)

<u>NAME</u> (reporting official, spouse, etc.)	<u>NATURE OF INVOLVEMENT OR INTEREST</u>	<u>NAME AND ADDRESS OF BUSINESS</u>
Janis C. Williams	Director and Officer	WILLIAMS THEATRES, INC.  101 S. Main Street  Union, Missouri 63084

(continue on blank sheet if necessary)

PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY  
(see Manual of Instructions, page 10)

<u>NAME</u> (of reporting official, spouse, etc.)	<u>IDENTITY OF PROPERTY INCLUDING LOCATION AND CURRENT USE</u>	<u>NATURE OF INTEREST</u>
Janis C. Williams	Lot 3, Block 1, KAKNU KORNERS SUBDIVISION, located on Kaknu Road, Kenai Alaska, house unoccupied	OWNER

(continue on blank sheet if necessary)

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION  
(see Manual of Instructions, page 11)

<u>NAME</u> (reporting official, spouse, etc.)	<u>TRUSTOR</u>	<u>PROPERTY</u>	<u>EXTENT OF INTEREST</u>
N/A			

(continue on blank sheet if necessary)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE  
(see Manual of Instructions, page 12)

<u>NAME (reporting official spouse, etc.)</u>	<u>IDENTITY OF MAKER OF LOAN, LOAN GUARANTOR, OR CREDITOR</u>
Janis C. Williams	Irving Trust Company, 480 Madison Avenue, New York, NY
	10017

(continue on blank sheet if necessary)

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR AN INSTRUMENTALITY OF THE STATE  
(see Manual of Instructions, page 13)

<u>NAME AND RELATIONSHIP</u> (John Doe, reporting off.; Jan Doe, spouse)	<u>STATE CONTRACTING DEPT. OR INSTRUMENTALITY</u>	<u>IDENTITY OF CONTRACT</u>	<u>INDICATE: BID, HELD, OFFERED</u>
N/A			

(continue on blank sheet if necessary)

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL, OR OTHER NATURAL RESOURCES  
(see Manual of Instructions, page 15)

<u>NAME AND RELATIONSHIP</u> (John Doe, reporting off.; Mary Doe, mother)	<u>NATURE OF LEASE</u>	<u>IDENTITY OF LEASE</u>	<u>INDICATE: HELD OR OFFERED</u>
N/A			

(continue on blank sheet if necessary)

STATE OF ALASKA  
ALASKA PUBLIC OFFICES COMMISSION  
610 C Street, Suite 209  
Anchorage, Alaska 99501

RECEIVED  
JAN 15 1981

CONFLICT OF INTEREST STATEMENT FOR PUBLIC OFFICIAL OR CANDIDATE

PART 1. GENERAL INFORMATION

REPORTING PERIOD: January 1, 19 80 to December 31, 19 80 (Preceding Calendar year)

REPORTING OFFICIAL: Name: Janis C. Williams

Resident Address: 4034 Reka Drive #2 Mailing Address: SAME

City: Anchorage State: ALASKA Zip Code: 99504

APPLICABLE OFFICE (Mark one or more, as appropriate, and complete blanks):

A. State Public Official:

Legislative \_\_\_\_\_  Judicial: \_\_\_\_\_  
(Senator or Representative) (title)

Executive \_\_\_\_\_  
(title of position) (name of department)

Board or Commission Alaska Pipeline Commission  
(name of Board or Commission)

B. Municipal Public Official:

Mayor  School Board Member  
 Borough or City Manager  Utility Board Member  
 Assembly or Council Person  Planning and Zoning Commission Member

TERM OF OFFICE: Begin \_\_\_\_\_ End \_\_\_\_\_

If Candidate, Date Declaration of Candidacy Filed: \_\_\_\_\_

If Appointed or Hired, Date of Appointment: November 12, 1980

MEMBERS OF FAMILY OF REPORTING OFFICIAL: (Please list names)

Spouse: NONE Dependent Children: NONE

Non-dependent Children Living with Reporting Official: NONE

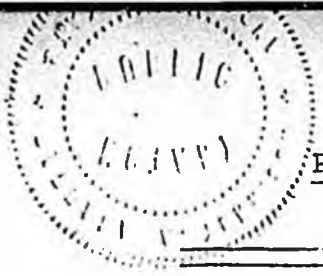
PART 2. CERTIFICATION

I, the undersigned, declare under oath and on penalty of perjury that the statements contained in this conflict of interest statement are, to the best of my knowledge, true, correct, and complete.

DATED: January 15, 1981 SIGNED: Janis C. Williams

SUBSCRIBED AND SWORN to before me this 15 day of January, 1981.

Notary Public: Barbara A. Tennison  
My commission expires: 1-19-83



PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100  
(see Manual of Instructions, page 7)

<u>NAME (of reporting official, spouse, etc.)</u>	<u>SOURCE OF INCOME</u>
1) Salary:	
Janis C. Williams	STATE OF ALASKA
2) Rentals:	
N/A	
3) Dividends and Interest:	
N/A	
4) Self employment (business name, clients, customers):	
N/A	
5) Other:	
N/A	

(Use continuation sheet if necessary)

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTERESTS AS A STOCKHOLDER,  
OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE  
(see Manual of Instructions, page 9)

<u>NAME</u> (reporting official, spouse, etc.)	<u>NATURE OF INVOLVEMENT OR INTEREST</u>	<u>NAME AND ADDRESS OF BUSINESS</u>
Janis C. Williams	Director and Officer	WILLIAMS THEATRES, INC. 101 S. Main Street Union, N. J. 07081 63084

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PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY  
(see Manual of Instructions, page 10)

<u>NAME</u> (of reporting official, spouse, etc.)	<u>IDENTITY OF PROPERTY INCLUDING LOCATION AND CURRENT USE</u>	<u>NATURE OF INTEREST</u>
Janis C. Williams	Lot 3, Block 1, KAKJU KORNERS SUBDIVISION, located on Kaknu Road, Kenai, Alaska, house unoccupied	OWNER

(continue on blank sheet if necessary)

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION  
(see Manual of Instructions, page 11)

<u>NAME</u> (reporting official, spouse, etc.)	<u>TRUSTOR</u>	<u>PROPERTY</u>	<u>EXTENT OF INTEREST</u>
N/A			

(continue on blank sheet if necessary)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE  
 (see Manual of Instructions, page 12)

<u>NAME (reporting official spouse, etc.)</u>	<u>IDENTITY OF MAKER OF LOAN, LOAN GUARANTOR, OR CREDITOR</u>
Janis C. Williams	Irving Trust Company, 480 Madison Avenue, New York, NY
	10017

(continue on blank sheet if necessary)

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE  
OR AN INSTRUMENTALITY OF THE STATE  
 (see Manual of Instructions, page 13)

<u>NAME AND RELATIONSHIP</u> (John Doe, reporting off.; Jan Doe, spouse)	<u>STATE CONTRACTING DEPT. OR INSTRUMENTALITY</u>	<u>IDENTITY OF CONTRACT</u>	<u>INDICATE: BID, HELD, OFFERED</u>
N/A			

(continue on blank sheet if necessary)

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL,  
OR OTHER NATURAL RESOURCES  
 (see Manual of Instructions, page 15)

N/A

<u>NAME AND RELATIONSHIP</u> (John Doe, reporting off.; Mary Doe, mother)	<u>NATURE OF LEASE</u>	<u>IDENTITY OF LEASE</u>	<u>INDICATE: HELD OR OFFERED</u>
N/A			

(continue on blank sheet if necessary)