

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984

3043 SSA SB 266 - SB 317 (FILE 2) 8672

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF REVENUE

TREASURY DIVISION

ELEVENTH FLOOR
STATE OFFICE BUILDING
POUCH SB
JUNEAU, ALASKA 99811
PHC

May 6, 1983

The Honorable Vic Fischer
Senator
Chairman State Affairs Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fisher:

This letter is to answer a few questions asked by the State Affairs Committee on April 26 concerning Senate Bill 266, "An Act Increasing the Bond Authorization for International Airport Revenue Bonds to \$62,825,000."

Question 1: What is the total amount of International Airport Revenue bonds currently outstanding and what is the payback period on these bonds?

Total Principal Outstanding as of 6/30/83	\$17,490,000
Total Interest Payable as of 6/30/83	<u>9,344,510</u>
Total Debt Outstanding	<u>\$26,834,510</u>

All bonds currently outstanding will be paid in full in 15 years (1998). Bond payments by year are listed below. Bond reserve accounts total \$1,960,435 and will be used to make the last principal and interest payments in 1997 and 1998.

FY		<u>Principal</u>	<u>Interest</u>	<u>Total</u>
64		845,000	1,101,605	1,946,605
85		895,000	1,049,795	1,944,795
86		945,000	995,430	1,940,430
87		1,005,000	940,300	1,945,300
88		1,065,000	882,075	1,947,075
89		1,140,000	820,435	1,960,435
90		1,210,000	745,240	1,955,240
91		1,275,000	666,520	1,941,520
92		1,340,000	583,470	1,923,470
93		1,410,000	496,090	1,906,090
94		1,485,000	404,020	1,889,020
95		1,560,000	306,900	1,866,900
96		1,640,000	204,730	1,844,730
97		800,000	97,150	897,150
98		<u>875,000</u>	<u>50,750</u>	<u>925,750</u>
		<u>\$17,490,000</u>	<u>\$9,344,510</u>	<u>\$26,834,510</u>

The Honorable Vic Fischer
May 6, 1983
Page -2-

Question 2: Why is the authorization being raised?
According to AS 37.15.410 the total amount of bonds authorized to be sold for the International Airport Construction Fund is limited to \$34,825,000. This amount has already been issued and thus SB 266 is needed to raise this ceiling. A schedule of the principal amount of bonds which have been issued is included below.

	SERIES	RATE	PRINCIPAL
6/1/68	Series A (20 yr.)	5.69	7,000,000
6/1/69	Series B (20 yr.)	6.39	2,225,000
6/1/69	Series B (25 yr.)	7.23	6,500,000
6/1/73	Series C (25 yr.)	5.85	8,500,000
6/1/75	Series E - defeased	7.48	<u>10,600,000</u>
			<u>\$34,825,000</u>

If you have any questions, I would be glad to answer them.

Sincerely,



Cathy A. Poe
Assistant Comptroller

CAP:fm

APR 25 1983

RECEIVED

APR 12 1983

DOT/PE
APR 17 1983
COMMISSIONER'S OFFICE

*Barb
file with
the bill on
IAR Bonds*

CENTRAL REGION

Mr. Robert O. Yeasting
Foster & Marshall/American Express
205 Columbia
Seattle, Washington 98104

Dear Mr. Yeasting:

Enclosed is a description of the airport project that the Department of Transportation and Public Facilities (DOT&P) plans to finance through sale of airport revenue bonds. Also enclosed is a terminal drawing showing existing terminal area and designating renovation and new construction.

As you know, legislation authorizing the sale of \$28 million revenue bonds through the International Airport Revenue Fund has been introduced for approval by the Alaska Legislature. The bills have not yet been approved, however, I understand you are formulating a preliminary schedule of events required in preparing the bond sale for the State of Alaska.

I trust this information will be of use to you. I have not included a breakdown of rentable vs. public space because a few areas in the proposed new construction are still in question. I can have that information for you within the next week if it would be helpful.

Please let me know if any other type of information is necessary. I will be glad to forward a set of the design plans if they would be of any use.

Thank you for your assistance.

Sincerely,

William R. Snell
Director

WRS:GML/sjg

Enclosures: Description of Airport Project
Existing Terminal Drawing

cc w/Enclosures: ~~Ron Lind~~
Milt Barker
Cathy Poe

**Anchorage International Airport
Domestic Terminal Expansion & Renovation**

The proposed project involves construction of approximately 65,000 square feet of new terminal area and remodeling and renovation of approximately 96,000 square feet of existing terminal area. The estimated cost is \$23.1 million calculated at 1983 construction costs and includes the following:

Extend existing terminal 100 feet to the east (both levels). The first level will house additional baggage claim and make-up areas, and mechanical room. The second level will provide additional counter space, snack bar, storage, elevator and gate lobbies.

Construct a new two-level computer concourse providing passenger waiting space, equipment storage, crew lounge area, rest-room facilities, snack bar, baggage makeup, baggage claim, and 8 gates.

Preliminary engineering and construction for remodeling Concourse B to accommodate domestic carrier operations. Remodeling includes electrical system upgrades, installation of a fire suppression system and conversion of customs area to office lease space.

Purchase and installation of a backup emergency power system.

Preliminary engineering and construction of apron utility work required with the terminal remodeling such as construction of hardstands, relocation of fire hydrants, water supply, air start and guidance systems.

STATE OF ALASKA

Bill Sheffield, Governor

DEPARTMENT OF TRANSPORTATION
and PUBLIC FACILITIES
CENTRAL REGION PLANNING & PROGRAMMING
Director's Office

4111 AVIATION AVENUE, POUCH 6900
ANCHORAGE 99502 (TELEX 25-185)
PHONE: 266-1462

May 4, 1983

Senator Vic Fischer, Chairman
Senate State Affairs Committee
Pouch V
Juneau, AK 99811

Dear Senator Fischer:

During the Senate State Affairs Committee hearings on Senate Bill 266 you and several other Committee members raised questions regarding the existing bond indebtedness of the International Airport Revenue Fund (IARF). I trust the following information will answer the Committee's questions.

As of the end of fiscal year 1983 on June 30, 1983, the IARF will have total outstanding principal debt of \$17,485,000. Interest payments in the amount of \$10,539,900 bring the total outstanding indebtedness to \$28,024,900. The existing bonds will be maturing through 1998.

Preliminary analysis indicates that the IARF will have revenues sufficient to cover the annual bond indebtedness by more than the required 130% even if the State Bond Committee selects a relatively short term bond life (15 years rather than 30 years).

The project to be financed by the bond sale will effect the following improvements at Anchorage International Airport:

Extension of existing terminal 100-feet to the east (both levels). The first level will house additional baggage claim and makeup areas, and a mechanical room. The second level will provide additional counter space, snack bar, storage, elevator, and gate lobbies.

Construction of a commuter concourse providing 8 new gates, passenger waiting space, equipment storage, crew lounge area, restroom facilities, snack bar, baggage makeup, and baggage claim.

Preliminary engineering and construction to remodel the west concourse to accommodate domestic carrier operations and provide suitable office space for lease on the ground floor. A fire suppression system will be installed as well as electrical upgrades and provisions for handicapped accessibility.

Senator Fischer

May 4, 1983

Page 2

Preliminary engineering and construction of apron utility work required with the terminal remodeling.

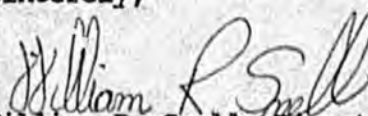
This project is the first of three phases of an overall, comprehensive terminal improvement plan envisioned by DOT&PF if aviation activity continues to grow in line with current forecasts.

The Phase I project is estimated to cost approximately \$23.1 million. DOT&PF has requested authority to sell revenue bonds in the amount of \$28 million because of estimated bond sale costs (3% = \$840,000) and a required bond reserve deposit in the amount of one year's maximum principal and interest (estimated at \$3 million).

I trust this information answers the questions posed at the April 28 hearing. In case there are additional questions, a DOT&PF airport planner and Department of Revenue personnel will be available at tomorrow's hearing on SB 266.

Thank you for your consideration of this matter.

Sincerely,



William R. Snell, Director
Division of Planning & Programming

WS:GL/cn

cc: Gina Lindsey, Central Region
Cathy Poe, Assistant Comptroller, Department of Revenue

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



May 5, 1983
3:00 p.m.

Butrovich Room
Capitol Bldg.

MEMBERS PRESENT

Senator Vic Fischer, Chair
Senator Bill Ray, Vice-Chair
Senator Arliss Sturgulewski
Senator Tim Kelly
Senator Pat Rodey

ALSO PRESENT

Representative Mitch Abood

AGENDA

SB 266 International airport revenue bonds
Drunk driving and related issues
(SB 61, SB 226, HB 17)

SB 226 International airport revenue bonds

Gina Lindsey, Department of Transportation and Public Facilities testified that the committee had been sent a letter containing information requested about outstanding indebtedness of the International Airport Revenue Fund at the last hearing.

Senator Kelly moved and asked unanimous consent to pass the bill from committee with individual recommendations. There was no objection.

Drunk driving and related issues (SB 61, SB 226, HB 17)

Representative Terry Martin, prime sponsor of HB 17 spoke for that bill. He is opposed to holding an advisory vote on raising the drinking age.

Senator Kelly discussed a number of amendments he proposed to HB 17 including provisions to phase in a 21 year old drinking age.

Senator Ray said he favors having a statewide vote on raising the drinking age. He thinks this is more appropriate than legislative action.

Senator Kelly does not favor an advisory vote.

Don Kubley, representing the Alaska Cabaret and Restaurant Association (CHAR), testified that that organization does not have a position on raising the drinking age but thinks that Senator Kelly's amendments improve the bill. He said that the committee should not be swayed by emotional arguments and slogans on these issues. He argued that the majority of young people are law abiding moderate drinkers and should not be punished for the transgressions of a small minority.

Senator Ray said that Alaska currently has a dram shop law in response to an observation to the contrary by a committee member.

Charlie Smith, Director of Highway Safety, said he favors the bills in committee as a comprehensive program aimed at addressing the drunk driving problem.

Lt. Col. Jim Vaden, Department of Public Safety, testified in favor of the bills. He showed the committee a hand held breathalyzer which the Department of Public Safety will be using in the near future. He said that the average blood alcohol content for persons arrested for DWI in Alaska is 0.17% [0.10 is legally drunk].

Senator Ray asked if the incidence of DWI is especially high for 19-20 year olds. Col. Vaden responded "not really" but he added that he thinks that the judgment of persons in this age group is more easily impaired by alcohol.

Senator Fischer asked if Col. Vaden favors selective roadblocks to catch drunk drivers. Col. Vaden replied affirmatively.

Senator Fischer asked if Col. Vaden favors mandatory breathalyzer tests for anyone stopped for any moving violation. Col. Vaden answered affirmatively.

Gail Horetski, Criminal Division, Department of Law, discussed a letter (attached) she wrote to Chair Fischer in response to questions posed about the constitutionality of selective roadblocks and mandatory breathalyzer tests for any moving violation and other possible

sanctions. She thinks that automobile forfeiture and sobriety checkpoint laws might pass constitutional muster if carefully drawn. She stressed that laws which were valid under the constitution of other states may not be so in Alaska. She was also of the opinion that mandatory breathalyzer tests for all moving violations has dubious constitutionality but that it might be possible to narrowly draft a law which would be constitutional.

Lawton Paddock, a student from the Juneau Christian School, testified in favor of HB 17 (raising the drinking age to 21).

The meeting adjourned at 4:45 p.m.

by
David Dye
Committee Aide

STATE OF ALASKA
FISCAL NOTE

I. REQUEST

Bill/Resolution No.: SB 266
 Title: Increasing Bond Authorization
 Sponsor: Senate Transportation
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: DOT&PF
 Program Category Affected: Anch. Intn'l Airport
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

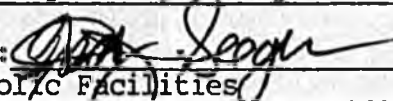
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Approval of this Bill authorizes an increased bond ceiling and has no fiscal impact until appropriated. (See SB 264 and Fiscal Note attached)

IV. ANALYSIS: (Fiscal Note for SB 264 attached)

Prepared By: Gina Marie Lindsey Phone: 266-1497
 Division: Central Region, Planning & Programming Date: 5/5/83
 Approved by Deputy Commissioner:  Date: 5/5/83
 Department: Transportation & Public Facilities

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

STATE OF ALASKA
FISCAL NOTE

I. REQUEST

Bill/Resolution No.: SB 264
 Title: Anch Int'l. Terminals Improvements
 Sponsor: Senate Transportation Committee
 Requestor: Governor Sheffield

II. FISCAL DETAIL

Agency Affected: DOT&PF
 Program Category Affected: Transportation
 BRU, Program or Subprogram(s) Affected:
Anchorage International Airport

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES				500.0	530.0	560.0
200 TRAVEL				250.0	265.0	280.0
300 CONTRACTUAL				58.0	63.0	67.0
400 COMMODITIES				2.0	2.0	3.0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING				810.0	860.0	910.0
CAPITAL		28,000.0				
REVENUE				500.0	500.0	500.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)*IARF				810.0	860.0	910.0
INT'L AIRPORT REVENUE BONDS		28,000.0				

*International Airport Revenue Fund

POSITIONS:

FULL-TIME				8.0	8.0	8.0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

This project will be paid for through revenue generated at the Anchorage International Airport. The revenue projection does not assume any change in rates and fees, but does include anticipated revenue from the expansion, calculated at present terminal rental rates.

IV. ANALYSIS: Attached.

Prepared By: William R. Snell
 Division: Acting Deputy Commissioner

Phone: 266-1440
 Date: 3/30/83

Approved by Commissioner: *W. Snell*
 Department: Transportation and Public Facilities

Date: 3/31/83

S

PROJECT NEED:

Existing facilities in the passenger terminal complex are undersized. Facilities are not adequate for present domestic aviation traffic needs. Continued growth in aviation activity is anticipated, therefore, pressure for expanded facilities will increase. Existing international facilities have been relocated to the new international terminal, thus freeing space for domestic aviation needs. The west concourse must be remodeled before use by the domestic air carriers. Additional landside facilities, airport ticket offices, baggage claim and public areas are needed to accommodate domestic flight traffic. Air commuter facilities are minimal. New facilities are essential to provide adequate service to this growing segment of the aviation market. Construction of a new concourse off the east terminal expansion will accommodate commuters. Utility work airside is required in order to make the terminal expansion usable for the air carriers and commuter planes.

PROJECT DESCRIPTION:

Funding requested is for the first phase of a comprehensive remodeling and expansion program, at an estimated cost of \$23.1 million. The project includes the following:

Extension of existing terminal 100-feet to the east (both levels). First level to house additional baggage claim and makeup areas and mechanical room. Second level to provide additional counter space, snack bar, storage, elevator and gate lobbies.

Construction of a commuter concourse providing passenger waiting space, equipment storage, crew lounge area, restroom facilities, snack bar, baggage makeup and baggage claim.

Preliminary engineering and construction to remodel west concourse to accommodate domestic carrier operations.

Preliminary engineering and construction of apron utility work required with the terminal remodeling.

PROJECT COST:

Bond sale costs at 3% to take care of closing costs, audit costs, costs to rating agencies, financial advisor, etc.

$$\$28,000,000 \times 3\% = \$840,000$$

In addition, an estimated \$3 million was assumed for immediate deposit into the bond reserve fund. This is approximately 1 year's principal and interest on the bonds.

The estimated cash available after obligations is \$24,160,000:

$$\$28,000,000 - (\$840,000 + \$3,000,000) = \$24,160,000$$

Capitalized interest during project construction has not been estimated. Depending on investment yield, interest earned on the cash could roughly equal or exceed interest obligations on the bonds. If, however, capitalized interest payments are required, DOT&PF will utilize International Airport Revenue Fund (IARF) cash for such payments. This is consistent with how capitalized interest was treated in earlier revenue bond issues.

OPERATING COSTS:

Costs identified are based upon our current costs for maintenance and custodial which approximate \$11 per square foot.

Added 66,000 sq. ft. x \$11 = \$726,000

1983 cost \$726.0

1986 cost \$810.0. Inflation is estimated at 6% per year.

No estimate is provided for the debt service since the yearly cost would vary so greatly based upon the interest rate and term of bonds.

S

B

295

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 295
 Title: An act relating to liquor cards
 Sponsor: Fahrenkamp
 Requestor: Senate State Affairs

II FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life & Prop.
 BRU, Program of Subprogram(s) Affected: Driver/Vehicle Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		450.4	954.8	1,012.1	1,072.8	1,137.2
200 TRAVEL		7.1	8.4	9.1	9.6	10.2
300 CONTRACTUAL		1,138.4	682.2	723.1	766.5	812.5
400 COMMODITIES		9.2	11.8	12.5	13.3	14.1
500 EQUIPMENT		106.6	-0-	-0-	5.5	7.5
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		1,711.7	1,657.2	1,756.8	1,867.7	1,981.5
CAPITAL						
REVENUE		1,275.0	310.0	345.0	380.0	415.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	1,711.7	1,657.2	1,756.8	1,867.7	1,981.5
FEDERAL FUNDS					
OTHER (Specify Source)					

POSITIONS:

FULL-TIME		29	29	29	29	29
PART-TIME		4	4	4	4	4
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified by sponsor

IV. ANALYSIS: Attach a separate page for any Analysis (3 pages attached)

Prepared By: Bill Brown Phone: 465-4335
 Division: Motor Vehicles Date: 5-27-83
 Approved by Commissioner: [Signature] Date: 6/3/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor intr. duced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

GENERAL COMMENTS:

This bill would require an all new licensing system similar to, but distiac-tively different from, the present driver's license, I.D. card system.

A 6% inflation factor was used for succeeding fiscal years after FY84.

REVENUES:

Revenues based on sale of 250,000 original liquor cards at \$5.00 each, and 5,000 duplicates at \$5.00 each from January 1 thru June 30, 1984.

ASSUMPTIONS:

- 1) Effective date of January 1, 1984, therefore, all personal services, and other areas where possible, funded at 50% for FY84.
- 2) Commission agents who now issue driver's licenses will agree to accept additional work load of issuing liquor cards, not requiring state offices for issuance in areas such as Seward, Petersburg, Wrangell, etc.
- 3) Liquor card will contain a picture of holder. Any card without a photograph is too susceptible to fraud, theft and misuse.
- 4) Present DMV staff, offices and equipment will be used where practical.
- 5) New personnel in field offices will be trained in DMV work in order that they can help out if there is time available, and vice-versa.
- 6) Hearing officers will be stationed in Anchorage and Fairbanks, and travel as necessary in their area of responsibility.
- 7) Alcohol education courses begin in January, 1984.
- 8) Commence issuing liquor cards in January 1984, however, deadline for public interested in obtaining liquor card delayed until July 1, 1984, allowing six months for implementation (education and issuance of cards) before liquor establishments require proof of card from purchaser.
- 9) Training specified in AS 04.16.315 would be contracted to Department of Health & Social Services, Office of Alcoholism and Drug Abuse, or to private contractors.
- 10) Approximately 250,000 applicants for alcohol education course, and original liquor cards the first six months.
- 11) Alcohol Education Course would be a two hour course with maximum class size of 30 people. 12,000 classes the first six months at a contract cost of \$25 per hour. 12,000 classes x 2 hours x \$25 = \$600,000. FY85 and succeeding fiscal years conduct 1,000 classes annually.

FISCAL DETAIL:

100 PERSONAL SERVICES

Headquarters

# Positions	Position Title	Range	Annual Salary
1	Administrative Officer II	19	38,988
1	Hearing Officer - Admin Ast III		
	Anchorage	16	30,876
1	Hearing Officer - Admin Ast III		
	Fairbanks	16	34,332
1	Document Processing Clerk IV	12	24,312
1	Document Processing Clerk III	10	20,976
5	Document Processing Clerk II	8	93,180
2	Clerk Typist II	7	35,304
1	Microfilm Equipment Operator II	10	20,976
2	Accounting Clerk III	10	41,952
		sub-total	340,896
		plus benefits at 34%	115,904
		total	456,800

Field

1	MVR IV (Supervisor Anchorage)	11	22,932
13	MVR II (Anc - 4; Fbx - 2; Jno - 1; Palmer - 1; Kenai - 1; Sold - 1; Ktn - 1; E.R. - 1; and Homer - 1)	9	

100 PERSONAL SERVICES (Cont')

4	MVR II (Part-time: Valdez - 1; Delta Jct - 1; Sitka - 1; Kodiak - 1)	9	<u>39,576</u>	
		sub-total	327,624	
	plus benefits at 36% FT and 32% PPT		<u>116,361</u>	
		total	443,985	

456,800 + 443,985 = 900,785 divided by
one-half to reflect 1-1-84 thru 6-30-84

450.4

200 TRAVEL

To conduct hearings for adopting regulations:

Anc to Fbx, Pal, Ken/Sol, Kodiak, Nome, Jno,

Ktn and Sitka

2.0

Per diem for 14 days at \$80.00

1.1

3.1

To conduct hearings for license actions:

Travel

2.7

Per Diem

1.3

4.0

7.1

300 CONTRACTUAL

310 - Communications

Postage

2,900 warning letters @ .20

.6

250 suspensions @ 1.90

.5

1,440 licensed liquor establishments to
get notice per AS 04.16.300(2)

Mail weekly - 1,440 x 26 x .20

7.5

Mailing of applications from field

offices to Hqts. (260,000 applica-

tions @ .91 per 50

4.7

General correspondence

2.8

16.1

16.1

Telephones and tolls

4.0

4.0

20.1

320 - Printing & Advertising

Photo licenses - 260,000 @ .78

202.8

Applications - 300,000 @ .0351

10.5

Other forms (suspensions, warnings,
affidavits, etc.)

4.2

Advertising

Public notice - regulations

2.1

Public Education - new law & how to
comply - radio spots

3.2

5 ads in 20 newspapers @ \$120

12.0

234.8

234.8

330 - Space Expense

Anchorage headquarters space lease

6,600 square feet

94.4

94.4

340 - Repair & Maintenance

Microfilm equipment

1.6

Office equipment

2.1

3.7

3.7

300 CONTRACTUAL (Cont')

360 - Equipment Rental

2 copy machines @ 255 per mo each	3.1	
3 copy machines @ 206 per mo each	3.7	
Postage meters, 4 @ 50 per mo each	1.2	
23 AJIS terminals	91.4	
	<u>99.4</u>	99.4

380 - Professional Fees & Services

Microfiche processing @ 525 per mo x 6	3.2	
Build counters	8.0	
Contractual services to write DP program	50.0	
Contract to conduct alcohol education course	600.0	
	<u>661.2</u>	661.2

382a -Data Processing Chargeback

On-line computer system storage @ 300 per mo x 6	1.8	
Network connect - 23 terminals @ 1,000	23.0	
	<u>24.8</u>	24.8
		<u>1,138.4</u>

400 - COMMODITIES

460 - Equipment Parts & Supplies

Microfilm equipment parts	.2	.2
---------------------------	----	----

480 - Office & Library Supplies

Paper to copy 250 suspension notices to send to 1,440 liquor establishments = 360,000 copies @ 25.60 per 5,000	1.8	
Other normal consumable supplies (envelopes, stationary, etc.) for field and headquarters	5.0	
Microfilm supplies (film, print paper, developer, fixer, etc.)	2.0	
	<u>9.0</u>	9.0
		<u>9.2</u>

500 EQUIPMENT

550 - Office

14 desks @ 426.10	6.0	
2 deskw/typing extensions @ 523.72	1.0	
26 typewriters 1,244.88	32.4	
8 typewriter stands 94.12	.8	
16 steno chairs 247.47	4.0	
18 stools 140.50	2.5	
12 guest chairs 98.30	1.2	
5 calculators 331.51	1.7	
7 file cabinets, 5 drw w/lock 285.15	2.0	
2 storage cabinets 223.50	.4	
2 bookcases 124.19	.2	
1 microfilm reader printer, Kodak IMT 150	16.9	
1 Recordak Reliant 800 microfilmer	21.6	
2 microfiche readers 300	.6	
1 microfilm roll file cabinet	.6	
2 recorders 900	1.8	
1 transcriber	.9	
1 WANG word processing station	12.0	
	<u>106.6</u>	106.6

TOTAL 1,711.7



Alaska Court System
State of Alaska

KARLA L. FORSYTHE
General Counsel

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, AK 99501

May 31, 1983

Ms. Suzanne Tryck
Senator Victor Fischer's Office
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Suzanne:

295
You indicated last week that SB ~~23~~ relating to liquor cards probably will not be moved out of state affairs until the next session. I would appreciate it if you could put this letter in the appropriate file as a reminder for someone to give me a call when the bill comes under active consideration by the committee.

Sincerely,

Karla L. Forsythe
General Counsel

KLF:smh

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY OFFICE OF THE COMMISSIONER

Vic/ST
BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE:

June 1, 1983

465-4322

The Honorable Vic Fischer
Chairman, Senate State Affairs Committee
Pouch V
Juneau, Alaska 99811

JUN - 3 1983

Dear Senator Fischer:

Be advised that the Department of Public Safety is opposed to SB295. Although drinking is a problem in Alaska, this Bill will not solve the problem. The entire theory behind the Bill can be subverted by the suspended or revoked person having a friend buy his alcohol for him or obtaining I.D. from another state. The following discussion delineates problems that we feel exist in this Bill.

Sec. 04.16.015 - Particularly in the larger towns and cities or on the highway system how can a person "prove" that another has been in the state for 90 days or intends to remain in the state?

Sec. 04.16.300(2) - In 1983 there were 1,440 persons licensed under the cited statutes. This Bill would require the Department not only to maintain a current list of these people, but requires that the Department notify each of them every time someone has their card cancelled, suspended or revoked. Conversely, every time a person is re-licensed under Sec. 04.15.355 everyone must be notified to take the name off the list. (Or in actuality a new list of suspended, revoked or cancelled would be issued weekly.) $1,440 \times 52 \text{ weeks} = 75,880$ documents. This is 156 reams of paper (plus reproduction costs) and 75,000 envelopes.

Sec. 04.16.310(1) - Many people obtain both a driver's license and an identification card. By regulation we require a driver's license issued by another state or jurisdiction be turned in at the time of issuance of an Alaska driver's license. It is not required by law. We do not inquire whether they also have an I.D. card from another state or jurisdiction. Theoretically, a person could have their liquor card revoked, suspended or cancelled, then on a trip outside they would obtain an I.D. card, then come back and use it as long as it was valid.

Senator Vic Fischer
June 1, 1983
Page Two

Sec. 04.16.315(b) - A course such as this would probably best be administered by contract with the Department of Health and Social Services or private contractors. It would take a number of qualified instructors in the larger cities plus traveling instructors to periodically visit the smaller communities.

Sec. 05.15.320(b) - I believe all fees must be established by statute, not regulation. This section should also establish fees for duplicates (lost card), renewals, reinstatement after suspension, revocation or cancellation.

Sec. 04.16.325(f) - This would require two additional hearing officers: 1-Anchorage, 1-Fairbanks.

Sec. 04.16.340 - A card valid for five years would lend itself to corruption of the system. Control would be lost, current address becomes void, etc. Anyone moving could give their card to a friend who is remaining in the state, etc., etc. A photo card would stop some of this but not all.

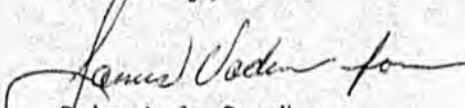
Sec. 04.16.355 - See comments for 04.16.340. Would suggest modifying that if the person has 50% or more in point accumulation, they would be required to attend the school again.

Sec. 04.16.345 - This will also require the mailing of several hundred letters each year.

Sec. 04.16.365(e) - This will necessitate exchange of information between this unit and the Driver Services unit.

Sec. 04.16.380 - As mentioned earlier, this will need at least two hearing officers plus clerical support.

Sincerely,


Robert J. Sundberg
Commissioner

S

B

3

/

0

COMMITTEE REPORT
SENATE

6/9/83

FURTHER:

Date: 1-17-83

Mr. President:

The Committee on State Affairs has had SB 310
Establishing 'Bob Bartlett Day' on April 20 of each year.

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 310 same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tom Kelly

Bob Kay

W. Fisher

CHAIRMAN



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

COMMITTEE REPORT

January 17, 1983
3:00pm

Butrovich room
Capitol Building

Members Present:

- Senator Vic Fischer, Chair
- Senator Pat Rodey
- Senator Tim Kelly
- Senator Arliss Sturgulewski
- Senator Bill Ray

The meeting was called to order at 3:05pm

SB 353 Presidential primary

Lieutenant Governor Stephen McAlpine reviewed this and other bills repealing the presidential primary election. He outlined a number of reasons why the primary election should be repealed. He gave reasons why section 2 of the bill should be deleted. The Lieutenant Governor suggested that one of those reasons was the possibility of section 2 inviting a law suit.

Senator Vic Fischer asked what would happen to the remaining funds that had been appropriated to hold the election.

Lt. Governor Stephen McAlpine said they would probably lapse into the general fund.

Senator Ray stated that he supports the idea of a presidential primary, but that some voters must change their party affiliation which makes the election undesirable.

Lieutenant Governor McAlpine related some of the problems concerning ballot secrecy and the election. He said that many voters will forfeit their ballot secrecy because their party will have only one candidate.

Senator Vic Fischer expressed his concern that the state is giving the public the right to vote in the primary and then taking away that right.

Senator Ray moved that a new section be added to lapse any unexpended moneys to the general fund.

Senator Vic Fischer said that without any objection the new section would replace section 2 of the original bill.

Senator Tim Kelly related his disappointment that Alaska will not have a primary.

The bill was moved out of committee as amended.

SB 341 Statutory references to the time zone

Mirt Charney, Director of the Legislative Affairs Agency, reviewed the bill. He said SB 341 was a housecleaning bill bringing the statutes up to date by replacing Pacific with Alaska standard time zone.

Senator Bill Ray made a motion to move the bill out of committee with individual recommendations.

The bill was moved out of committee.

SB 310, SB 311 establishing Bob Bartlett and Earnest Gruening Day

Senator Vic Fischer gave a brief statement on these bills.

Senator Sturgulewski moved to delete sentence 2 and 3 from SB 311.

The 3rd sentence was also deleted from SB 310.

Committee substitutes for these two bills were moved out of committee with individual recommendations.

SCR 32 World Food Day

Senator Vic Fischer gave a brief statement on this resolution.

Senator Tim Kelly made a motion to include "be encouraged to" between state and participate on pg. 2, line 1.

A committee substitute was adopted making the changes above.

Senator Pat Rodey made a motion to move the resolution out of committee.

The resolution was moved out of committee.

The meeting was adjourned at 4:05



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff

RE: SB 310, Bob Bartlett Day

DATE: January 17, 1983

This legislation would establish April 20th each year as 'Bob Bartlett Day.' It does not make April 20th a state holiday.

Enclosed as back-up is a letter of endorsement from the Governor.

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 16, 1984

The Honorable Victor Fischer
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator *VF* Fischer:

I support the passage of SB 310-establishing Bob Bartlett Day on April 20 of each year and SB 311-establishing Ernest H. Gruening Day on February 6 of each year.

These two Alaskans were instrumental in Alaska's pursuit of statehood and I would be pleased to sign legislation setting aside a day to honor Bob Bartlett and Ernest Gruening.

Sincerely,

Bill

Bill Sheffield
Governor



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chairman • 1024 W. 6th Ave., Suite 204 C,
Anchorage, Alaska 99501
(907) 278-3654

Official Business

Governor Bill Sheffield
Pouch A
Juneau, Alaska 99811

Oct. 3, 1983

Dear Governor Sheffield;

Currently in the Senate State Affairs Committee which I chair are SB 310-- establishing April 20 as Bob Bartlett day, and SB 311-- creating Ernest Gruening day on February 6. I would appreciate your support and written endorsement on these two bills to facilitate their movement during the opening days of the upcoming session.

Recognition of these two statespersons will create an atmosphere of democratic unity while honoring two of the most well known Alaskan public servants.

Thanks as usual for your time and attention.

Best regards,

A handwritten signature in cursive script, appearing to read "Vic Fischer", written in dark ink.

Senator Vic Fischer

/st

1/6

Suzanne -

I spoke to Marilyn Twitchel
who, under Ray Gillespie,
handles Legis. Correspondence
for the Gov. They have
not responded to the Oct. 3
letter & can't locate it. In
a meeting w/ Emil, he said
that he had spoken to Vic
about the bills & that is
evidently the reason that
they did not respond. I
left it that we would
either ✓ w/ vic or re-
send them the letter

Metodie

1/17/84

I appreciate your invitation to comment on S.B. 310 and S.B. 311. Unable to appear personally before your Committee today, I offer the following:

It is appropriate that those two men, Bob Bartlett and Ernest Gruening, be honored at the same time and in the same way by the Alaska Legislature .

They were political contemporaries for 29 years during a period of incredible change for Alaska, change which they shaped and influenced in great measure.

They were strikingly different men - in background, in personality, in style, and in their effect on people. That they coincided in time, in chance combination, sharing similar goals for Alaska yet differing profoundly while working together, was a modern phenomenon.

In history's perspective they complemented each other; yet neither may have fancied that conclusion. Their differences would have seemed irreconcilable in lesser men. To the credit of each neither went public with those differences, each aware that Statehood's cause would suffer were that to happen. Indeed, Statehood's formidable foes sought, and would have liked nothing better than, to divide them and the unity they represented.

Each was his own man, individual and independent, and each in his own way made an incalculable contribution to Statehood's attainment. They operated so differently that today, with time's passage, it would be difficult to say that Statehood could have been achieved when it was but for the impact of each on Alaska and the Nation. Sam Rayburn spoke indirectly to that; but he spoke from his own experience in his own context - and in that context he was correct. In fairness, however, he hadn't observed so intimately the full range of the years' long effort that led to Statehood.

This body will honor itself in honoring those two men in the way proposed in the bills under consideration.

Respectfully,

Burke Riley

Introduced: 6/9/83
Referred: State Affairs

1 1. THE SENATE

BY V.FISCHER

2

SENATE BILL NO. 310

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act establishing 'Bob Bartlett Day' on April 20
7 of each year."

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

9 * Section 1. AS 44.12 is amended by adding a new section to read:

10 Sec. 44.12.055. BOB BARTLETT DAY. Bob Bartlett Day is
11 established on April 20 of each year to honor E.L. "Bob" Bartlett, the
12 "architect of Alaska statehood", for a lifetime of public service to
13 Alaska and the nation. [Undeated in 21 territorial and state
14 elections, Bob Bartlett sponsored more than 200 bills that were
15 enacted into law; a record that remains unchallenged in the United
16 States Congress. Bob Bartlett's political strength at home and in
17 Congress was basic decency, human compassion, and personal modesty.]
18 Bob Bartlett Day may be observed by suitable observances and exercises
19 by civic groups and the public.

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 16, 1984

The Honorable Victor Fischer
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator *V. Fischer* Fischer:

I support the passage of SB 310-establishing Bob Bartlett Day on April 20 of each year and SB 311-establishing Ernest H. Gruening Day on February 6 of each year.

These two Alaskans were instrumental in Alaska's pursuit of statehood and I would be pleased to sign legislation setting aside a day to honor Bob Bartlett and Ernest Gruening.

Sincerely,

Bill

Bill Sheffield
Governor

I appreciate your invitation to comment on S.B. 310 and S.B. 311. Unable to appear personally before your Committee today, I offer the following:

It is appropriate that those two men, Bob Bartlett and Ernest Gruening, be honored at the same time and in the same way by the Alaska Legislature .

They were political contemporaries for 29 years during a period of incredible change for Alaska, change which they shaped and influenced in great measure.

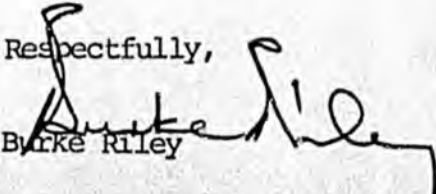
They were strikingly different men - in background, in personality, in style, and in their effect on people. That they coincided in time, in chance combination, sharing similar goals for Alaska yet differing profoundly while working together, was a modern phenomenon.

In history's perspective they complemented each other; yet neither may have fancied that conclusion. Their differences would have seemed irreconcilable in lesser men. To the credit of each neither went public with those differences, each aware that Statehood's cause would suffer were that to happen. Indeed, Statehood's formidable foes sought, and would have liked nothing better than, to divide them and the unity they represented.

Each was his own man, individual and independent, and each in his own way made an incalculable contribution to Statehood's attainment. They operated so differently that today, with time's passage, it would be difficult to say that Statehood could have been achieved when it was but for the impact of each on Alaska and the Nation. Sam Rayburn spoke indirectly to that; but he spoke from his own experience in his own context - and in that context he was correct. In fairness, however, he hadn't observed so intimately the full range of the years' long effort that led to Statehood.

This body will honor itself in honoring those two men in the way proposed in the bills under consideration.

Respectfully,


Burke Riley



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff

RE: SB 310, Bob Bartlett Day

DATE: January 17, 1983

This legislation would establish April 20th each year as 'Bob Bartlett Day.' It does not make April 20th a state holiday.

Enclosed as back-up is a letter of endorsement from the Governor.

S

B

3

|

|

13-1445

For an Act entitled: "An Act establishing 'Bob Bartlett Day' on April 20 of each year."

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

*Section 1. AS 44.12 is amended by adding a new section to read:

Sec. 44.12.055. BOB BARTLETT DAY. April 20 is designated Bob Bartlett Day to honor U.S. Senator E.L. "Bob" Bartlett, "architect of Alaska Statehood", for a lifetime of public service to Alaska and the nation. Undeclared in 21 territorial and state elections, Bob Bartlett saw over 200 personal bills dealing with Alaska's most crucial problems become law in the U.S. Congress. Throughout his public life, Bob Bartlett's political strength at home and in Congress was basic decency, human compassion, and personal modesty. Bob Bartlett Day may be observed by suitable observances and exercises by civic groups and the public.



Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954

MEMORANDUM

TO: Linn Asper, Attorney
LAA Drafting

FROM: Senator Vic Fischer *VFC*

DATE: June 7, 1983

SUBJ: Bartlett & Gruening Bills

Please finalize the bill for "Bob Bartlett Day" using the attached language changes.

Also, please change the title of the "Ernest Gruening Day" bill to the following wording:

"An Act establishing 'Ernest H. Gruening Day' on February 6 of each year."

If you have any questions, please give Ginger Baim in the office a call.

Thank you.

For an Act entitled: "An Act establishing Bob Bartlett Day on April 20 of each year.

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

*Section 1. AS 44.12 is amended by adding a new section to read:

[REDACTED]

Sec. 44.12.055. BOB BARTLETT DAY. April 20 is designated Bob Bartlett Day to honor U.S. Senator E.L. "Bob" Bartlett, "architect of Alaska Statehood", for a lifetime of public service to Alaska and the nation. Undeclared in 21 territorial and state elections, Bob Bartlett saw over 200 personal bills dealing with Alaska's most crucial problems become law in the U.S. Congress. Throughout his public life, Bob Bartlett's political strength at home and in Congress was basic decency, human compassion, and personal modesty. Bob Bartlett day may be observed by suitable observances and exercises by civic groups and the public.

NS - pls send to drafting + request
in final - ask that wording
Bill be rewritten (in final)
as per Vic's title change
on this one.

GB
6/6
8 p.m.

1 IN THE SENATE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act ^{establishing} ~~designating~~ ^{on} April 20 of each year as 'Bob
7 Bartlett Day'"

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

9 * Section 1. AS 44.12 is amended by adding a new section to read:

10 Sec. 44.12.055. BOB BARTLETT DAY. April 20 is designated Bob
11 Bartlett Day to honor the Architect of Alaska Statehood, E.L. "Bob"
12 Bartlett, for a lifetime of public service to Alaska and the nation.
13 Undeclared in 21 territorial and state elections, Bob Bartlett's
14 political strength at home and in Congress was basic decency, human
15 compassion, and personal modesty. Bob Bartlett Day may be observed by
16 suitable observances and exercises by civic groups and the public.

WORK DRAFT
13-1445
Asper
5-31-83
VF-OK!
3/28
G2
Please
confirm
to
style
BY W. FISCHER

STATEHOOD WAS JUST THE BEGINNING. THE INFANT MORTALITY RATE, THE ERADICATION OF TV AND EAR DISEASE, THE POVERTY OF ALASKA'S NATIVE POPULATION, THE HIGH RATE OF UNEMPLOYMENT, AND THE VULNERABILITY OF ALASKA'S DEFENSES WERE THE NEW BATTLES TO BE FOUGHT. FROM: E.L. BOB BARTLETT'S STATUE DEDICATION

~~IN PUBLIC OFFICE FOR 12 YEARS.~~ ON TEN DIFFERENT OCCASIONS THEY REELECTED HIM WITH AS MUCH AS 81 PERCENT OF THE VOTE,

referring to B. Bartlett

↓
"RARE INDEED IS A MAN OR WOMAN WHO IS CALLED FRIEND BY ALL, AND WHO PASSED THIS WAY: WHOSE SERVICE IS NOT SELF-SERVING; WHOSE DEDICATION SEEKS NO PERSONAL GLORY.

A GOOD MAN, A NICE MAN, CAN FINISH FIRST AND BOB BARTLETT DID JUST THAT.

QUOTES FROM WARREN D. MAGNUSSON, U.S. SENATOR FROM WASHINGTON.

DURING HIS 14 YEARS ON THE U.S. HOUSE, MORE THAN 200 OF HIS BILLS BECAME LAW, A RECORD STILL UNCHALLENGED. AMONG THE BILLS HE PASSED WERE: THE ALASKA MENTAL HEALTH ACT, THE ALASKA HOUSING ACT, THE ALASKA PUBLIC WORKS ACT, CONSTRUCTION OF AIRPORTS IN ANCHORAGE AND FAIRBANKS, CONSTRUCTION OF THE GEOPHYSICAL INSTITUTE IN FAIRBANKS, CONSTRUCTION OF THE EKLUTNA HYDRO ELECTRIC PROJECT, SNETISHAM PROJECT, ENTRANCE OF PULP MILLS IN ALASKA, SPECIAL HEALTH PROGRAMS FOR ALASKA, CONSTRUCTION OF HOSPITALS AND MANY NAVAL NAVIGATION PROJECTS,

MASSIVE EARTH-QUAKE ASSISTANCE PROJECTS AND ~~MANY~~/MANY OTHERS.

WHEN ANYONE ASKED A CERTAIN VETERAN OF THE HOUSE OF REPS.
HOW ALASKA ACHIEVED STATEHOOD, THAT MAN ALWAYS REPLIED, ~~BOB~~/
"I CAN TELL YOU IN TWO WORDS, BOB BARTLETT." THAT MAN WAS
LATE SPEAKER OF THE HOUSE , SAM RAYBURN OF TEXAS.

DIED DEC. 11 1968

QUOTE FROM BOB BARTLETT:

"I LOVE ALASKA. MY ATTACHMENT FOR IT, MY CONCERN FOR IT, IS SO
DEEPLY IMBEDDED THAT IT IS A VERY ~~PART~~ PART OF ME. THERE I HAVE
GROWN, STUDIED, MARRIED, AND WORKED. I HAVE TOILED IN HER BEAUTIFUL,
NATURAL SETTING AS A GOLD MINER. I HAVE ~~LA~~ LEARNED THE LIFE OF
HER TOWNS AS A REPORTER. I HAVE MET HER PEOPLE AS AN APPOINTED
ADMINISTRATOR/ AND AGAIN AS DELEGATE AND SENATOR. AS YEARS PILE
UPON YEARS, THERE IS A GREATER PERSONAL INSISTENCE IN DRAWING UPON
~~MEMORIES~~/ MEMORY'S TREASURE TROVE. "

~~1944~~
Ran for congress + Elected 1944

1947, introduced ALASKA STATEHOOD
Bill.

~~1949~~ 1949 - Sponsored adoption
of AK. Public Works acts,
making 70M. federal matching
funds available to communities.

~~1959~~ Congress

Jan. 1959 - Eventually
Passed - his bill.

-
- Elected in Senate
 - Economic expert
 - Chairman Merchantmarine
 - experts on Alaskan fisheries
 - 1966 ~~re~~ reelected
-
- infant mortality rate,

Child

Bob Bartlett -

FATHER OF ALASKA STATEHOOD.

||

FROM:

A MAN TO REMEMBER

|| He was reporter FBKs, "Newsminer"
Editor of NEWSMINOR
Commentator aka Pol. scenes.

FBKB HIGH 1922

U of W, U of AK, Journalist

1904 -

~~FBKB~~

1932 - aide, Washington

Secretary of ALASKA - Franklin Roosevelt

1939



Senator Vic Fischer

Alaska State Legislature

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

MEMORANDUM

TO: Drafting
FROM: Senator Vic Fischer *VF*
DATE: May 26, 1983
SUBJ: Drafting Request

Please draft two separate bills, reflecting my sponsorship, designating the birthdays of E.L. "Bob" Bartlett and Ernest Gruening as holidays, modeled after the Martin Luther King Day statute (attached).

Section 1 AS 44.12 is amended by adding a new section to read:

Sec. 44.12 _____ BOB BARTLETT DAY. April 20 is designated Bob Bartlett Day to honor the Architect of Alaska Statehood, E.L. "Bob" Bartlett for his lifetime of public service to Alaska and the Nation. Never defeated in 21 territorial and state election bids, Bob Bartlett's political strength at home and in the Congress was his basic decency, his human compassion, and his personal modesty. Bob Bartlett Day may be observed by suitable observances and exercises by civic groups and the public.

Section 1 AS 44.12 is amended by adding a new section to read:

Sec. 44.12 _____ ERNEST GRUENING DAY. February 6 is designated Ernest H. Gruening Day to honor doctor, editor, and statesman, Ernest H. Gruening for his lifetime of service to the territory and state of Alaska and the Nation. Best known as the father of Alaska Statehood, Ernest Gruening fought to protect and wisely use Alaska's abundant natural resources and bring Alaska into full partnership with the United States while winning national acclaim as an ardent fighter for the rights of the individual and for his efforts toward strengthening world peace. Ernest Gruening Day may be observed by suitable observances and exercises by civic groups and the public.

Please feel free to contact me, or Ginger Blaim of my staff, if you have any questions.

Thanks.

E.L. "Bob" Bartlett

(1904-1964)

"Architect of Statehood" is ^{the legend} ~~inscribed~~ on Bob Bartlett's statue in the National Capitol. Miner, newspaperman, Secretary of Alaska, Delegate to Congress, United States Senator, Bartlett worked tirelessly fourteen years for Alaska Statehood, ~~his enduring moment~~...Bob's political strength at home, and in the Congress, was his basic decency, his human compassion, his personal modesty. Never defeated in ^{seven} territorial and state election bids, he truly was Alaska's most beloved political figure.

COMMITTEE REPORT
SENATE

6/9/83

FURTHER:

Date: 1-17-83

Mr. President:

The Committee on State Affairs has had SB 311
Establishing 'Ernest H. Gruening Day' on February 6 of each year.

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 311 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tim Kelly

Bill Kay

W. Fischer

CHAIRMAN

AN ACT

Designating January 15 of each year as "Martin Luther King Day".

* Section 1. AS 44.12 is amended by adding a new section to read:

Sec. 44.12.045. MARTIN LUTHER KING DAY. January 15 is designated Martin Luther King Day to honor Dr. Martin Luther King, Jr., for his tireless efforts and devotion in the advancement of justice, equality and human dignity of all people. Martin Luther King Day may be observed by suitable observances and exercises by civic groups and the public.



Official Business

Alaska State Legislature

SB 311

Senate Committee on State Affairs

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

COMMITTEE REPORT

January 17, 1983
3:00pm

Butrovich room
Capitol Building

Members Present:

Senator Vic Fischer, Chair
Senator Pat Rodey
Senator Tim Kelly
Senator Arliss Sturgulewski
Senator Bill Ray

The meeting was called to order at 3:05pm

SB 353 Presidential primary

Lieutenant Governor Stephen McAlpine reviewed this and other bills repealing the presidential primary election. He outlined a number of reasons why the primary election should be repealed. He gave reasons why section 2 of the bill should be deleted. The Lieutenant Governor suggested that one of those reasons was the possibility of section 2 inviting a law suit.

Senator Vic Fischer asked what would happen to the remaining funds that had been appropriated to hold the election.

Lt. Governor Stephen McAlpine said they would probably lapse into the general fund.

Senator Ray stated that he supports the idea of a presidential primary, but that some voters must change their party affiliation which makes the election undesirable.

Lieutenant Governor McAlpine related some of the problems concerning ballot secrecy and the election. He said that many voters will forfeit their ballot secrecy because their party will have only one candidate.

Senator Vic Fischer expressed his concern that the state is giving the public the right to vote in the primary and then taking away that right.

Senator Ray moved that a new section be added to lapse any unexpended moneys to the general fund.

Senator Vic Fischer said that without any objection the new section would replace section 2 of the original bill.

Senator Tim Kelly related his disappointment that Alaska will not have a primary.

The bill was moved out of committee as amended.

SB 341 Statutory references to the time zone

Mirt Charney, Director of the Legislative Affairs Agency, reviewed the bill. He said SB 341 was a housecleaning bill bringing the statutes up to date by replacing Pacific with Alaska standard time zone.

Senator Bill Ray made a motion to move the bill out of committee with individual recommendations.

The bill was moved out of committee.

SB 310, SB 311 establishing Bob Bartlett and Earnest Gruening Day

Senator Vic Fischer gave a brief statement on these bills.

Senator Sturgulewski moved to delete sentence 2 and 3 from SB 311.

The 3rd sentence was also deleted from SB 310.

Committee substitutes for these two bills were moved out of committee with individual recommendations.

SCR 32 World Food Day

Senator Vic Fischer gave a brief statement on this resolution.

Senator Tim Kelly made a motion to include "be encouraged to" between state and participate on pg. 2, line 1.

A committee substitute was adopted making the changes above.

Senator Pat Rodey made a motion to move the resolution out of committee.

The resolution was moved out of committee.

The meeting was adjourned at 4:05

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 16, 1984

The Honorable Victor Fischer
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Fischer:

I support the passage of SB 310-establishing Bob Bartlett Day on April 20 of each year and SB 311-establishing Ernest H. Gruening Day on February 6 of each year.

These two Alaskans were instrumental in Alaska's pursuit of statehood and I would be pleased to sign legislation setting aside a day to honor Bob Bartlett and Ernest Gruening.

Sincerely,

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

Bill Sheffield
Governor

ST

2/3/84

VF from ST

Ernest Gruening day is up on the floor on thursday.
The Senate State Affairs Committee substitute deletes the
"H." from his name, and deletes some of the flowery language
present in the original bill.

There is no fiscal impact as this would not create a
state holiday.

The Governor endorsed this legislation.

Every member of the committee signed the bill "do pass."

Introduced: 6/9/83
Referred: State Affairs

1 IN THE SENATE

BY V.FISCHER

2

SENATE BILL NO. 311

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act establishing 'Ernest H. Gruening Day' on

7

February 6 of each year."

8

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

9

* Section 1. AS 44.12 is amended by adding a new section to read:

10

Sec. 44.12.050. ERNEST GRUENING DAY. Ernest H. Gruening Day is

11

established on February 6 of each year to honor doctor, editor, and

12

statesman, Ernest H. Gruening for a lifetime of service to the terri-

13

tory and state of Alaska and the nation. Best known as the father of

14

Alaska Statehood, Ernest Gruening fought to protect and wisely use

15

Alaska's natural resources, while winning national acclaim as an

16

ardent fighter for the rights of the individual and for efforts toward

17

strengthening world peace. Ernest Gruening Day may be observed by

18

suitable observances and exercises by civic groups and the public.

SENATE BILL NO. 311 by Senator Vic Fischer, entitled:

"An Act establishing 'Ernest H. Gruening Day' on February 6 of each year."

was read the first time and referred to the State Affairs Committee.

The State Affairs Committee considered SENATE BILL NO. 311 (establishing 'Ernest H. Gruening Day' on February 6 of each year) and recommended it be replaced with

CS FOR SENATE BILL NO. 311 (SA)

and do pass. The report was signed by Senator Vic Fischer, Chairman and concurred in by Senators Kelly Sturgulewski, Rodey and Ray.

SENATE BILL NO. 311 was referred to the Rules Committee.

Introduced: 6/9/83
Referred: State Affairs

1 IN THE SENATE

BY V. FISCHER

2

SENATE BILL NO. 311

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act establishing 'Ernest ~~H.~~ Gruening Day' on

7

February 6 of each year."

8

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

9

* Section 1. AS 44.12 is amended by adding a new section to read:

10

Sec. 44.12.050. ERNEST GRUENING DAY. Ernest H. Gruening Day is

11

established on February 6 of each year to honor doctor, editor, and

12

statesman, Ernest H. Gruening for a lifetime of service to the terri-

13

tory and state of Alaska and the nation, [Best known as the father of

14

Alaska Statehood, Ernest Gruening fought to protect and wisely use

15

Alaska's natural resources, while winning national acclaim as an

16

ardent fighter for the rights of the individual and for efforts toward

17

strengthening world peace.] Ernest Gruening Day may be observed by

18

suitable observances and exercises by civic groups and the public.



Official Business

Alaska State Legislature

Senate Committee on State Affairs

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

MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee Staff
RE: SB 311 Ernest H. Gruening Day
DATE: January 17, 1983

This legislation would establish February 6th each year as 'Earnest H. Gruening Day.' This legislation does not create a state holiday.

There is no fiscal impact.

Enclosed as back-up is a letter of endorsement from the Governor.

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 16, 1984

The Honorable Victor Fischer
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator *VF* Fischer:

I support the passage of SB 310-establishing Bob Bartlett Day on April 2 of each year and SB 311-establishing Ernest H. Gruening Day on February 6 of each year.

These two Alaskans were instrumental in Alaska's pursuit of statehood and I would be pleased to sign legislation setting aside a day to honor Bob Bartlett and Ernest Gruening.

Sincerely,

Bill

Bill Sheffield
Governor



Official Business

Alaska State Legislature

Senate Committee on State Affairs

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

COMMITTEE REPORT

January 17, 1983
3:00pm

Butrovich room
Capitol Building

Members Present:

Senator Vic Fischer, Chair
Senator Pat Rodey
Senator Tim Kelly
Senator Arliss Sturgulewski
Senator Bill Ray

The meeting was called to order at 3:05pm

SB 353 Presidential primary

Lieutenant Governor Stephen McAlpine reviewed this and other bills repealing the presidential primary election. He outlined a number of reasons why the primary election should be repealed. He gave reasons why section 2 of the bill should be deleted. The Lieutenant Governor suggested that one of those reasons was the possibility of section 2 inviting a law suit.

Senator Vic Fischer asked what would happen to the remaining funds that had been appropriated to hold the election.

Lt. Governor Stephen McAlpine said they would probably lapse into the general fund.

Senator Ray stated that he supports the idea of a presidential primary, but that some voters must change their party affiliation which makes the election undesirable.

Lieutenant Governor McAlpine related some of the problems concerning ballot secrecy and the election. He said that many voters will forfeit their ballot secrecy because their party will have only one candidate.

Senator Vic Fischer expressed his concern that the state is giving the public the right to vote in the primary and then taking away that right.

Senator Ray moved that a new section be added to lapse any unexpended moneys to the general fund.

Senator Vic Fischer said that without any objection the new section would replace section 2 of the original bill.

Senator Tim Kelly related his disappointment that Alaska will not have a primary.

The bill was moved out of committee as amended.

SB 341 Statutory references to the time zone

Mirt Charney, Director of the Legislative Affairs Agency, reviewed the bill. He said SB 341 was a housecleaning bill bringing the statutes up to date by replacing Pacific with Alaska standard time zone.

Senator Bill Ray made a motion to move the bill out of committee with individual recommendations.

The bill was moved out of committee.

SB 310, SB 311 establishing Bob Bartlett and Earnest Gruening Day

Senator Vic Fischer gave a brief statement on these bills.

Senator Sturgulewski moved to delete sentence 2 and 3 from SB 311.

The 3rd sentence was also deleted from SB 310.

Committee substitutes for these two bills were moved out of committee with individual recommendations.

SCR 32 World Food Day

Senator Vic Fischer gave a brief statement on this resolution.

Senator Tim Kelly made a motion to include "be encouraged to" between state and participate on pg. 2, line 1.

A committee substitute was adopted making the changes above.

Senator Pat Rodey made a motion to move the resolution out of committee.

The resolution was moved out of committee.

The meeting was adjourned at 4:05

1/17/84

I appreciate your invitation to comment on S.B. 310 and S.B. 311. Unable to appear personally before your Committee today, I offer the following:

It is appropriate that those two men, Bob Bartlett and Ernest Gruening, be honored at the same time and in the same way by the Alaska Legislature .

They were political contemporaries for 29 years during a period of incredible change for Alaska, change which they shaped and influenced in great measure.

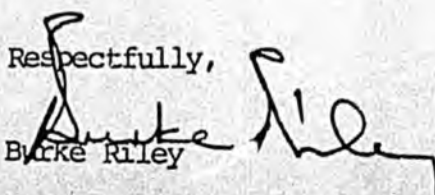
They were strikingly different men - in background, in personality, in style, and in their effect on people. That they coincided in time, in chance combination, sharing similar goals for Alaska yet differing profoundly while working together, was a modern phenomenon.

In history's perspective they complemented each other; yet neither may have fancied that conclusion. Their differences would have seemed irreconcilable in lesser men. To the credit of each neither went public with those differences, each aware that Statehood's cause would suffer were that to happen. Indeed, Statehood's formidable foes sought, and would have liked nothing better than, to divide them and the unity they represented.

Each was his own man, individual and independent, and each in his own way made an incalculable contribution to Statehood's attainment. They operated so differently that today, with time's passage, it would be difficult to say that Statehood could have been achieved when it was but for the impact of each on Alaska and the Nation. Sam Rayburn spoke indirectly to that; but he spoke from his own experience in his own context - and in that context he was correct. In fairness, however, he hadn't observed so intimately the full range of the years' long effort that led to Statehood.

This body will honor itself in honoring those two men in the way proposed in the bills under consideration.

Respectfully,


Burke Riley

S

B

B

|

7

#

|

Tenure for Public Schools
14.20.175 Nonretention

Guy Stouts - USA prst denied tenure
sued - said Colt should have open meetings
under open meeting law. He won.
went to state Supreme Court (univ. appealed)

Now Provisions of Regs law are put into
univ. regs - do give public notice & give public
meeting if requested

Peer review. subordinate may be
judging their boss. Would be ineritent
to give honest open opinion if that
person is given tenure & sob. was let-out
on giving them tenure

whole Univ. community is invited to comment
on tenure issues.

1) main purpose is ~~that~~ for people who have
negative criticism to make can make in
safe situation

current law helps keep nonsense out

relevant & Grievance - one ~~events~~ closed

Promotion, Retention

~~private~~ person who wants open takes president.

Sabatical leave - considered in relationship to each other (25 might apply) - would rank in order of pres. - what if some want open & others don't.

Merritt thinks we need to have law somewhere between present & SB317.

Maybe voting could be done in private
current law prohibits voting in private

If meeting were held in private, tenure may be awarded less frequently

DRAFT
POSITION PAPER

by, MERRITT HELFFERICH

The decision by the Alaska Supreme Court in *University of Alaska v. Geistants*, which brought home to the University the requirements of AS 44.62.310, has raised considerable question about the potential detriment to the State's Interest if University of Alaska committee meeting to judge the professional qualifications of Faculty members are held in open session.

The various peer review meetings; promotion, tenure and sabbatical Leave Committee meetings make decisions which affect the finances and the quality of the faculty at the University. In *ACCFT v. University of Alaska, et al.* The Alaska Supreme Court stated that, "AS44.62.310, by ensuring that issues are decided publicly, does attempt to insure that better substantive decisions are made through public scrutiny and adequate information." Further the Court stated, "Open decision-making is regarded as an essential aspect of the democratic process. It is believed that public exposure deters official misconduct, makes government more responsive to its constituency, allows for greater public provision of information to the decision-maker, creates greater public acceptance of government action, and promotes accurate reporting of governmental processes."

The decision-making process at Colleges and Universities on the qualifications of its faculty for Tenure, Promotion and Sabbatical Leave are, on the one hand, personnel decisions. In most University Communities, the faculty and student body are involved in these personnel decisions as a matter of tradition arising from the belief held for centuries that the faculty and students are the most knowledgeable and capable judges of faculty qualifications. The administration of a College or University has historically been considered to act in the role of a support group, rather than that of the directive role in an industrial organization.

In a publicly supported University there is a frequent clash between the Legislative mandate to control the purse strings and the Universities role as a self governing body. Reflective of this clash is the common constitutional separation, in the states, of the University from other state agencies.

The question arises immediately, should the personnel actions at a University, or at any state agency for that matter, be conducted in public in a democratic process? Should the University conduct its personnel decisions in a manner "responsive to its constituency" as other governmental bodies or should the University make these decisions removed from public pressure and based solely on the qualifications and goals set for the institution by the faculty, students, and administration?

Another question arises which is the result of the conflict between the rights to privacy of the individual faculty member (the state has determined that the personnel files of individual state employees are private information) and the requirement for accountability of the government to the people. The Alaska Supreme Court stated in *University of Alaska v. Geistants* that, "admittedly, the policy decision as to whether or not tenure committee meetings should be open is debatable. Nevertheless, the wisdom underlying a particular legislative enactment is not a justifiable question." In fact, it is that wisdom which is now under debate.

The question whether to offer tenure to a faculty member is considered, by UAF Vice Chancellor for Academic Affairs, Dr. William Phillips, to be the most important academic decision at a University. Such a decision sets the standards of research, instruction and public service at one segment of the University for many years. Any conditions or administrative barriers which tend to direct this decision away from the established qualifications for tenure potentially damage the quality of the institution.

Concern has been expressed, among the University Community, that the exposure of the voting process to public view may, in turn, later expose the members of a qualifications committee to retribution. Members of a tenure committee or peer review committee who vote against the qualifications of a faculty member who, in turn, subsequently receives the desired status, may later find themselves judged in the promotion or sabbatical leave consideration by the person they voted against. This could subvert the process because the qualifications committee may fear to vote against the award of promotion, sabbatical or tenure.

We believe that at ^{the} ^{the} last philosophical separation of the University of Alaska from other state administrative agencies by the Alaska Constitution and the delegation of University governance to the Board of Regents reflects the decision that the University's management and operation is different than that of the rest of the State of Alaska's governmental management and operation. We believe that personnel decisions should not be a democratic process and when they are coupled to academic decisions they should be conducted in as nurturing a manner as possible. We also believe that the judgment of faculty qualifications are both academic and personnel decisions and as such should not be covered by the open meeting law 44.62.310 and suggest that the following phrase be added to the exceptions section of the open meeting law:

44.62.310(d)

6. Meetings of the faculty qualifications committees of the University of Alaska when holding a meeting solely to act upon matters affecting professional qualifications of a faculty member for consideration for promotion, sabbatical leave or tenure.

SENATE STATE AFFAIRS COMMITTEE

Date received 6/25/83

Bill Number SB 317 Title AN ACT RELATING TO PUBLIC MEETINGS

Fiscal Note	Position Paper	Date requested	From	Amount	Date Rec'd Note	Rec'd Paper

CONTACTS

Backup list

Wendy Redmond
Merritt Hillfrick
474-712

HEARING INFORMATION

NOTES:

6/25/83 RLV... END OF SESSION. NOTHING ORDERED.

FINAL ACTION _____ DATE _____

Dr Mackinnon

although uncomfortable at times (open meeting law) it doesn't bother public schools too much

unique situation in University cannot draw correlation between this & public schools

Dr. Charles

"Tod" Ray - UAF

in ~~tot D~~

College of Human & Rural Development

Don

Sharon Young recommended call him.

Don thinks NEA may like bill better if person can appear before board at some time.

✓ on current procedure.

Introduced: 6/25/83
Referred: State Affairs
and Judiciary

BY V.FISCHER, FAHRENKAMP,
AND JOSEPHSON

1 IN THE SENATE

2 SENATE BILL NO. 317

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public meetings; and providing
7 for an effective date."

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

9 * Section 1. AS 14.40.160(a) is amended to read:

10 (a) The provisions of AS 44.62.310 apply to meetings of the
11 Board of Regents. All meetings of the board, its committees or sub-
12 committees, are open to the public and press except as otherwise
13 provided in AS 44.62.310(c) and (d). The findings of an executive
14 session shall be made a part of the record of the proceedings of the
15 Board of Regents. All records of the meetings and proceedings shall
16 be open to inspection by the public and the press at reasonable times.

17 * Sec. 2. AS 44.62.310(d) is amended by adding a new paragraph to read:

18 (6) meetings of a subordinate unit of the University of
19 Alaska, advisory or otherwise, held solely to act upon matters of
20 professional qualifications, privileges, or discipline.

21 * Sec. 3. AS 44.62.310(f) is amended to read:

22 (f) Action taken contrary to this section is voidable. An
23 action for violation of this section must be commenced within six
24 months of the violation [VOID].

25 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).

Quoted in Ketchikan Retail Liquor Dealers Ass'n v. State, ABC Bd., Sup. Ct. Op. No. 1963 (File No. 3697), 602 P.2d 434 (1979).

Stated in Kingery v. Chapple, Sup. Ct. Op. No. 858 (File No. 1554), 504 P.2d 831 (1972).

Cited in Boehl v. Sabre Jet Room, Inc., Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d 585 (1960).

Am. Jur. 2d reference. — 2 Am. Jur. 2d, Public Administrative Law, §§ 553-775.

Article 6. Agency Meetings Public.

Section

310. Agency meetings public

312. State policy regarding meetings

Sec. 44.62.310. Agency meetings public. (a) All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money, are open to the public except as otherwise provided by this section. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This section does not apply to any votes required to be taken to organize the afore-mentioned bodies.

(b) If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in (c) of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.

(c) The following excepted subjects may be discussed in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential.

(d) This section does not apply to

(1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juric

(3) parc

(4) mee

(5) mee

when hold

qualificati

(e) Reas

to be open

(f) Actio

143 SLA 1

ch 7 SLA

am § 1 ch

Effect of amendment sentences of

A meeting of the Ala Hawaii in

Sec. 44

icy of the

(1) the g

in the con

(2) it is

openly and

(3) the

agencies w

(4) the

servants t

what is no

(5) the p

they may

(b) AS

effectuate

executive

Revisor's based on Cal Cross ref 44.62.310.

Section

320. Legislat

and re

- (2) juries;
- (3) parole or pardon boards;
- (4) meetings of a hospital medical staff; or
- (5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.

(e) Reasonable public notice shall be given for all meetings required to be open under this section.

(f) Action taken contrary to this section is void. (§ 1 art VI (ch 1) ch 143 SLA 1959; am § 1 ch 48 SLA 1966; am § 1 ch 78 SLA 1968; am § 1 ch 7 SLA 1969; am §§ 1, 2 ch 98 SLA 1972; am § 2 ch 100 SLA 1972; am § 1 ch 189 SLA 1976)

Effect of amendment. — The 1976 amendment added the second and third sentences of subsection (a).

A meeting of the board of governors of the Alaska Bar Association in Hawaii in 1978 was not subject to the

requirements of this section. *Horowitz v. Alaska Bar Ass'n*, Sup. Ct. Op. No. 2059 (File Nos. 4310, 4311), P.2d (1980).

Am. Jur. 2d reference. — 2 Am. Jur. 2d, *Administrative Law*, §§ 281, 282.

Sec. 44.62.312. State policy regarding meetings. (a) It is the policy of the state that

- (1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people's business;
- (2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;
- (3) the people of this state do not yield their sovereignty to the agencies which serve them;
- (4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;
- (5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created.

(b) AS 44.62.310(c)(1) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and avoid unnecessary executive sessions. (§ 3 ch 98 SLA 1972)

Revisor's note. — AS 44.62.312(a) is based on Cal. Gov't C.A., sec. 54950. Cross reference. See note under AS 44.62.310.

Legislative history report. — For report on ch. 98, SLA 1972 (SB 253), see 1972 House Journal, p. 158.

Article 7. Legislative Review of Rules.

Section

320. Legislative annulment of regulations and review

Sec. 44.62.320. Legislative annulment of regulations and review. (a) The legislature, by a concurrent resolution adopted by a vote of both houses, may annul a regulation of an agency or department.

(b) At the same time a regulation is filed by the lieutenant governor, the lieutenant governor shall submit the regulation to the chairman and all members of the Administrative Regulation Review Committee for review under AS 24.20.400 — 24.20.460 together with the fiscal information required to be prepared under AS 44.62.195. (§ 1 art VII (ch 1) ch 143 SLA 1959; am § 3 ch 149 SLA 1962; am § 2 ch 72 SLA 1963; am § 2 ch 27 SLA 1975; am § 5 ch 64 SLA 1978; am § 3 ch 16 SLA 1980)

Effect of amendments. — The 1978 amendment substituted "At the same time" for "Within 45 days after" at the beginning of subsection (b).

The 1980 amendment inserted "and all members" following "chairman" near the middle of subsection (b), and added "together with the fiscal information required to be prepared under AS 44.62.195" at the end of subsection (b).

Constitutionality of legislative veto. — The legislative veto contained in subsection (a), which provides that the "legislature, by a concurrent resolution adopted by a vote of both houses, may

annul a regulation of an agency or department," violates art. II of the state constitution. *State v. A.L.I.V.E. Voluntary*, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980). But see Alaska Const., art. II, § 22, which was proposed by the 11th legislature's Legislative Resolve No. 1 and will be voted on at the next general election in November, 1980.

No implied general power to veto agency regulations by informal legislative action exists. *State v. A.L.I.V.E. Voluntary*, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980).

Article 8. Administrative Adjudication

Section	Section
330. Application of AS 44.62.330 — 44.62.630	490. Amendment of accusation after submission
340. Delegation of power by agencies	500. Decision in a contested case
350. Appointment of hearing officers	510. Form and effect of decision
360. Accusation	520. Effective date of decision
370. Statement of issues	530. Default
380. Service of accusation	540. Reconsideration
390. Notice of defense	550. Petition for reinstatement or reduction of penalty
400. Amended or supplemental accusation	560. Judicial review
410. Time and place of hearing	570. Scope of review
420. Form of notice of hearing	580. Continuances
430. Subpoena	590. Contempt
440. Depositions	600. Mail vote
450. Hearings	610. Charge
460. Evidence rules	620. Power to administer oaths
470. Evidence by affidavit	630. Impartiality
480. Official notice	

Sec. 44.62.330. Application of AS 44.62.330 — 44.62.630. (a) The procedure of the state boards, commissions, and officers listed in this subsection or of their successors by reorganization under the constitution shall be conducted under AS 44.62.330 — 44.62.630. This

§ 44.62.3
 procedure
 issues, s
 depositions
 hearing,
 reconsider
 vote, oath
 chapter,
 with the
 indicated
 44.62.630
 (1) Rep
 (2) Boa
 (3) Boa
 (4) Sta
 Surveyor
 (5) Rep
 (6) Boa
 (7) Rep
 (8) Sta
 (9) Div
 (10) Bo
 (11) Bo
 (12) Bo
 (13) De
 security o
 (14) Re
 (15) Al
 not othe
 Compensa
 (16) De
 functions
 (17) Re
 (18) Re
 (19) Re
 (20) De
 (21) Re
 (22) Re
 (23) De
 a security
 (24) De
 — 47.35.0
 (25) De
 (26) Re
 (27) De
 Drug, an
 licensing

(f) Meetings of any subordinate unit of the University of Alaska, advisory or otherwise, when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.

See 3

* * AS. 44.62.310(f) is amended to read:

(f) Action taken contrary to this section is voidable. No person may bring an action for a violation of this section unless commenced within six months.

Vic -

Any chance we can
put w/ SB 111
(I move w/in 2 next
two days?) WK

S

B

3

1

7

#

2

MEMORANDUM

State of Alaska

TO: Norman C. Gorsuch
Attorney General

DATE: May 19, 1983

FILE NO: 366-664-83

TELEPHONE NO: 465-3600

FROM: Joe Geldhof
Assistant Attorney General

SUBJECT: Various "open
meeting" opinions

You're scheduled to participate in a panel discussion concerning state government as a part of Alaska Journalism Week. The press has informed us that they are most interested in your views and opinions concerning the public meeting and public information statutes (AS 44.62.310 et seq. and AS .25.110 et seq.). The following is a summary of available Attorney General's opinions concerning open meetings and public information. I understand the press will be discussing the open meeting statute and may ask you questions about each specific opinion. The opinions are in reverse chronological order.

February 16, 1983 opinion regarding applicability of open meeting/public info requirements to Water/Waste Water Advisory Board. Concluded that board is state agency requiring open meetings for public. Also suggests that board members with conflict of interest recuse themselves from voting and discussing certain topics.

September 20, 1982 decision regarding improper executive sessions for Fish and Game Advisory Committee. Concludes that Fish and Game Advisory Committee is subject to provisions of Open Meeting Act. Also concludes Dept. of Fish and Game can reimburse members of Fish and Game Advisory Committee for travel and per diem.

February 17, 1982 opinion regarding applicability of open meeting statute to Alaska Seafood Marketing Institute. Concludes that Board may not meet in executive session for an advertising agency presentation. Concludes further that purpose for calling executive session must fall within one of the enumerated exceptions to the public meeting requirement.

February 8, 1982 opinion regarding procedure for public notice of teleconference meetings. Concludes that Council on Domestic Violence and Sexual Assault (and by

implication other agencies) must provide reasonable public notice for all meetings. While statute does not enumerate specific guidelines, the public should be provided with date, time and place of meeting and the topics which will be discussed or considered at the meeting.

August 21, 1981 opinion regarding Board of Psychologists meeting. Concluded that Board and Youth executive session may have violated open meeting law due largely to lack of guidelines for board members to follow.

August 21, 1981 opinion regarding conduct and records of board meetings. Outlines principles and guidelines for future conduct of Board of Psychologists. Strongly supports open meetings available to public and holds that executive sessions limited to very specific situations.

May 11, 1981 regarding application of open meeting law to informal meetings. Concludes that Alaska's open meeting law is extremely broad. However, law does not apply to "meetings" between any two state or municipal officials or employees. In sum, Open Meetings Act only applies to multi-member bodies which have a fixed membership, which are supported in whole or in part by public monies and which have power pursuant to law to exercise governmental power or provide advice through a vote. The open meeting law does not apply to meetings of individuals who are public officers or employees, such as cabinet members, but who are not empowered collectively to exercise power or advice as a body (common sense application, J.W.G.)

February 11, 1981 opinion regarding applicability of open meeting statute to Rural Development Council. Concludes that all fundamental policy decisions should be made in meeting open to public.

February 3, 1981 opinion regarding closed deliberations by Public Employees Retirement System (PERS) Board. Concludes that Board deliberation may be made in closed session when hearing an appeal from a decision by the administrator. Conclusion supported by explicit exemption to public meeting requirements or "judicial or quasi-judicial bodies when holding a meeting to make decision in adjudicatory proceedings".

January 2, 1981 opinion regarding Alaska Energy Center bylaws. Concludes that open meeting (or Sunshine) law applies to Alaska Energy Center. Further concludes that Center's bylaws need not reiterate public meeting statute.

December 4, 1979 opinion regarding private meeting between governor and Board of Fisheries and fishermen's groups. Concludes that as a practical matter, the meeting which the Governor proposes does not constitute a meeting between boards of fishery, and therefore, the requirements for open meeting do not apply. Further suggests that private or closed meetings cannot be used by board members to consider or arrive at tentative decision on regulation of salmon fishery (by implication public decision).

October 15, 1979 opinion regarding public meetings by conference call. Suggests that public decision could be made by conference call. However, urges caution and adequate public notice regarding procedures for making decision.

August 22, 1979 opinion regarding Public Offices Commission ~~secret~~ ballot procedure. Concludes that Public Offices Commission may use secret ballot for election of officers without violating Alaska's public meeting law.

March 15, 1979 opinion regarding use of executive session to discuss hiring, firing or transfer of any employee. Concludes that closed session may be used to discuss matters that would prejudice reputation and character of any person, provided person may request a public discussion. Must afford person being considered with advance notice.

February 8, 1979 opinion regarding applicability of public meeting statute to tariff filings and protest procedures by rate-making or regulatory commissions. Concludes that rate-making hearings be conducted, to the greatest extent possible, according to open meeting provisions.

April 7, 1978 opinion regarding board meeting by telephone. Concludes that board meetings via telephone should be cases necessitating emergency decisions, not general practice. Still need to provide notice to public if decisions are made.

July 19, 1976 opinion regarding release of corrections escape report. Concludes that there are three applicable exceptions to the general rule which provides that state records are open for public inspection. The exceptions are:

- 1) matters relating to personnel evaluation;
- 2) matters relating to a personnel grievance;
- 3) statements by potential prosecution witnesses in criminal matters.

Norman C. Gorsuch
Various open meeting opinions

May 19, 1983
Page 4

April 9, 1976 decision related to applicability of open meeting statutes to the Association of Alaska School Boards. Concludes that Association is not an agency or other organization "of the state or any of its political subdivisions".

February 13, 1976 opinion regarding applicability of open meeting statute to secret ballot by a public body. Concludes that statute is ambiguous and a secret ballot conducted at a "public meeting" may or may not be avoidable.

September 24, 1975 opinion regarding confidentiality of Parole Board proceedings. Concludes that Parole Board may conduct closed meetings but board's disposition is public information.

JWG:ml

TO: Mil Zahn, Executive Director
Boards of Fisheries & Game

DATE: September 20, 1982

FILE NO: 366-162-83

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Improper Executive
Session for Fish &
Game Advisory Com-
mittee

By: *JR*
Jonathan Rubini
Assistant Attorney General

You have asked whether it is permissible for the Boards of Fisheries and Game to reimburse members of a fish and game advisory committee for travel and per diem expenses in instances where a committee meeting is conducted, at least in part, in violation of both the Open Meeting Act, AS 44.62.310-.312, and applicable regulatory provisions, 5 AAC 96.010-.920.

Fish and game advisory committees are established "to provide a local forum for the collection and expression of opinions and recommendations on matters relating to the management of fish and wildlife resources." 5 AAC 96.010. Committees have a designated geographic area, and are comprised of between five and fifteen members who are elected by community vote at a committee meeting, though subject to confirmation by the boards. Committees conduct regular meetings at least four times annually, and special meetings when warranted. The boards may authorize reimbursement to all approved committee members for travel and per diem expenses incurred in conjunction with attendance at a committee meeting. 5 AAC 96.460.

A fish and game advisory committee is a governmental body subject to the provisions of the Open Meeting Act, AS 44.62.310-.312, which states in broad terms that all meetings of a governmental body are open to the public. The statutory mandate is buttressed by an explicit regulatory provision. 5 AAC 96.060 provides in pertinent part:

Formation and operation of local fish and game advisory committees must comply with the following uniform rules of operation:

. . . .

(13) (C) All meetings of the committee are open to the public and must be advertised in the locality where the committee is organized;

Indeed, the ultimate purpose of the advisory committees, to afford local residents a forum to offer the boards their opinions and recommendations on matters concerning fisheries and wildlife management in the area surrounding their homes, would be substantially impaired were the public denied a full opportunity to participate in committee meetings.

The Open Meeting Act does allow a governmental body, such as a fish and game advisory committee, to determine by majority vote to hold an executive session in order to discuss certain narrowly circumscribed subjects. AS 44.62.310(c). We do not have a sufficient factual basis to determine whether it would have been appropriate to conduct an executive session in the three identified instances where at least some members of the public were excluded from committee meetings. However, regardless of whether public participation was improperly restricted, no statutory or regulatory provision requires the boards to decline to provide state reimbursement for travel expenses to committee members who participated in a meeting not open to the public as required by law. The only sanction set forth in the Open Meeting Act is that any action taken by a governing body in a manner inconsistent with open meeting requirements is void. AS 44.62.310.(f). We therefore conclude that the boards may reimburse committee members' travel expenses.

We note that the boards have available an alternative sanction to redress the repeated restriction of public access to committee meetings. 5 AAC 96.900 provides that the boards may remove a member of a local fish and game advisory committee for cause. Conduct by a committee member which intentionally furthers the repeated violation of 5 AAC 96.060(13)(C) constitutes sufficient "cause" to warrant removal. In the same vein, the boards may dissolve a local advisory committee for failure to act in accordance with [applicable regulations]." 5 AAC 96.450. Again, the failure to substantially comply with open meeting requirements renders a local committee vulnerable to dissolution at the discretion of the boards.

To assist in your efforts to assure that all future fish and game advisory committee meetings are open to the public without restriction, we have drafted a brief memorandum which you may wish to distribute to the chairmen of each local advisory committee. If you have any questions, do not hesitate to contact me.

JR/jb
cc: John G. Glissberg

MEMORANDUM

State of Alaska

TO: William R. Nix
Commissioner
Department of Public Safety

DATE: February 8, 1982

FILE NO: J66-427-82

TELEPHONE NO: 465-3603

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Procedure for Notice
of Teleconference
Meetings

By: *W.F.C.*
William F. Cummings
Assistant Attorney General

Please refer to your memorandum of December 17, 1981 in which you requested guidance concerning public notice requirements of AS 44.62.310 as they relate to the proposed meeting scheduled for the Council on Domestic Violence and Sexual Assault and other aspects of that statute which relate to use of modern telecommunication devices for the conduct of public meetings.

AS 44.62.310(e) requires that reasonable public notice be given for all meetings required to be open. You indicated in your memorandum that the council wishes to meet frequently so that it may come to policy decisions quickly. You have proposed advertising once every three months that the meetings would occur by conference calls on the first and third Thursdays of the month from 12 noon to 1:30 p.m. Pacific Standard Time. Upon analysis it does not appear that this proposed advertising plan would meet the requirements for adequate public notice.

There are no specific guidelines in AS 44.62.310 et seq. which establish guidelines for what constitutes adequate public notice. However, public notice should provide the date, time, and place of the meeting and the topics which will be discussed or considered at the meeting. See Benson v. McCormick, 578 P.2d 651 (Colo. 1978) (particularly Carrigan, J. in dissent at 653) and Hyde v. Banking Board, 552 P.2d 32 (Colo. 1976).

If the council desires to make policy decisions during these teleconferencing meetings, then the public has a right to know what topics will be considered as well as the date and time of the meeting and the manner in which it can have access to the meetings. If this type of notice is not given, it is likely that any decisions which the council would make during these teleconferencing meetings could be subject to judicial challenge. The probability for success

February 8, 1982

in defending the action taken after defective notice is fairly remote. See, Cooper v. Arizona Western College District Governing Board, 610 P.2d 465 (Ariz. 1980) and Hyde v. Banking Board, supra, where the agencies' decisions were reversed for failure to provide adequate notice.

You also inquired whether the requirements for open meetings would be met if the teleconference meetings occurred over communication devices which allow the public to provide input. I assume that the devices would allow full participation in the meetings, i.e. the opportunity to hear everything transpiring at the meeting as well as the opportunity to speak. If these two standards are met, then the requirements for an open meeting would be met, provided that all materials discussed or considered are available at all the various locations of the participants.

You also inquired concerning the advertising requirements when the Department of Education teleconferencing facilities are used for statewide public input. The advertising scheme you proposed would be adequate if the date, time, place of access to the facilities and the topics proposed for discussion are provided.

WFC:cdd

to Eric Eckholm, Exec. Director
AK Seafood Marketing Institute

DATE: February 17, 1982

FILE NO: J66-379-82

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Open meetings of Alaska
Seafood Marketing Inst.

By: 
Kenneth E. Vassar
Assistant Attorney General

You have asked whether the board of directors of the Alaska Seafood Marketing Institute may convene in executive session to hear the presentations of advertising agencies being considered by the board for a contract for professional services. We conclude that the board may not meet in executive session for that purpose.

The mandate that meetings of a public body be open to the public is strongly and clearly stated in AS 44.62.310. That mandate permits only three exceptions, which are expressed in AS 44.62.310(c). Those exceptions allow executive sessions to discuss the following subjects:

(1) matters, the immediate knowledge of which, would clearly have an adverse effect upon the finances of the government unit;

(2) subjects that tend to prejudice the reputation and character of any person, if the person does not request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential.

Unless the purpose for calling the executive session can fairly and reasonably be said to fall within one of the above enumerated exceptions to the public meeting requirement, the executive session cannot be held. It is unlikely that the presentations of the advertising agencies to which you have referred could reasonably or fairly be considered as subjects described in the exceptions noted above.

You have indicated that the reason for calling the executive session would be to prevent one of the agencies from obtaining an advantage over another by being able to hear the other agency's presentation. While this is a reasonable concern, it does not fall within the exceptions to the public meeting law. The concern might be met, however, by requesting

Eric Eckholm, Exec. Director
AK Seafood Marketing Institute

February 17, 1982
Page 12

the representatives of the advertising agencies to wait in a separate room while the presentation of another advertising agency is being made and otherwise leaving the meeting open to interested members of the public. Alternatively, the board might consider allowing a short second presentation by each advertising agency after all of the presentations have been made. This would allow each agency to take whatever advantage has been gained from listening to the other agencies' presentations.

KEV/pjg

Harry Treager, Director
Division of Occupational Licensing
Department of Commerce & Economic
Development

August 21, 1981

J-66-138-82

465-3600 ex 56

WILSON L. CONDON
ATTORNEY GENERAL

Record of Meetings of
Board of Psychologist
and Psychological Associate
Examiners

By:

~~Barah~~ T. Kavasharov
Assistant Attorney General

You have asked for our opinion of the recommendations regarding board meeting minutes and use of executive session made by the Division of Legislative Audit in its letter of June 9, 1981 to Dr. Pam Delys-Baglien. It is our view that the reports contained in Prior Audit Recommendation No. 3, and pages 8-10 of the letter indicate that the board may have been in violation of RCW 44.62.310 and 44.62.312 (the "Open Meeting Law"). We believe this may be due largely to lack of guidelines having been developed for board members to follow. Therefore, we have written the attached memorandum for the board's guidance. We believe the memorandum should be presented substantially as written to other boards as well, or at least incorporated into educational materials for newly appointed members of state boards and commissions.

STK/jb

Attachment

Dr. Pam Delys-Baglien
Chairperson
Board of Psychologist &
Psychological Associate
Examiners

August 21, 1981

J-66-138-82

465-3600 ex 56

THRU: Harry Treager, Director
Division of Occupational Licensing
Department of Commerce & Economic
Development

Conduct and Records of
Board Meetings to Assur
Compliance with AS 44.6
and AS 44.62.312

WILSON L. CONDON
ATTORNEY GENERAL

By:

Sarah T. Kavasharov
Assistant Attorney General

In light of the recommendations made by the Division of Legislative Audit in its letter of June 9, 1981, we offer the following principles and guidelines for future conduct of board meetings.

There are two chief principles which every board member should keep in mind and which must guide his or her conduct as a board member. First, appointment to a state board such as yours makes one an officer of the state. As members of the board, you do not represent a profession; you represent the people of the state. Your duty is always to the people; it is the public interest that you are appointed to serve, and not the interest of the profession. You may have been appointed because you have particular expertise in a profession, but you do not serve as members of that profession. Although all of you are undoubtedly already aware of this fact, it can hardly be emphasized enough as the first principle that should guide your actions and the conduct of board business.

Secondly, the people of the state have made absolutely clear in the wording of AS 44.62.310 and 44.62.312 that meetings of boards such as yours must be open meetings and that use of executive session is limited to very specific situations. (A copy of these statutory sections is attached.) Only if you are certain that a topic clearly fits into one of the exceptions spelled out in AS 44.62.310(c) should you enter into executive session. Also, you may not take action while in executive session.

You must return to the record before taking official action and the record should clearly show not only what action was taken, but state some reasonable grounds for taking the action.

It will be useful for you also to keep in mind the balancing rules which we follow to help answer the question of when confidentiality must be protected by government officials. Two specific rules of law are observed and balanced. The first rule is that expressed both in AS 44.62.312 and in AS 09.25.110. 1/ These statutes both require that state action and state records be public, with only narrow exceptions. The second rule is that expressed in Art I, § 22 of the Alaska Constitution, which guarantees the right to privacy. If no specific exception in AS 44.62.310 or any other statute requires that a matter be kept confidential, then it is necessarily a matter of public record unless it would violate a person's constitutional right to privacy to disclose it. In other words, first we look to see whether a specific statute requires confidentiality. Then, if there is no such specific statute, we also consider whether Art. I, § 22 of the Constitution (which is our highest statute) may require confidentiality.

If there is a clear conflict between the public right to know and a person's right to privacy, we rule in favor of the right to privacy, but only if there is a clear conflict. The attached memorandum by Assistant Attorney General Susan Burke, while it deals with another subject, expresses the principles which we follow and may be useful to you in dealing with the problems involved.

1/ AS 09.25.110 provides:

Inspection and copies of public records.
Unless specifically provided otherwise the books, records, papers, files, accounts, writings, and transactions of all agencies and departments are public records and are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of costs a certified copy of the public record.