

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7835 HOUSE HEALTH EDUCATION & SOCIAL SERVS. - HOUSE JUDICIARY 100

STATE OF ALASKA  
WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF COMMERCE AND  
ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER  
November 29, 1993

P.O. BOX 110800  
JUNEAU, ALASKA 99811-0800  
PHONE: (907) 465-2500  
FAX: (907) 463-3841

RECEIVED  
NOV 30 1993

LEGISLATIVE AUDIT

Mr. Randy Welker  
Legislative Auditor  
Legislative Budget & Audit Committee  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, AK 99811

Dear Mr. Welker:

This is written in response to the Audit Division's (hereinafter "Audit") preliminary audit report of its sunset performance review of the Board of Certified Direct-Entry Midwives (hereinafter "Board"). Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on Audit's preliminary findings and recommendations.

Response to Recommendation No. 1

The Legislature should extend the termination date of the Board of Certified Direct-Entry Midwives (the board) to June 30, 1998.

The Department concurs that the Board should be continued until June 30, 1998.

Response to Recommendation No. 2

The Division of Occupational Licensing (OL) should, in conjunction with the Equal Employment Office (EEO), review the Direct-Entry Midwife licensure application to assure that personal questions of a potential discriminatory nature are essential for prudent licensure.

The Department has been working toward updating all of its licensing applications with emphasis toward the Americans with Disabilities Act and also EEO concerns. Because of the many considerations involved in revising our applications and the number of professions affected, the Department is not rushing through this project to satisfy immediate concerns, but rather making a concerted effort to give this review the quality of thoroughness it deserves.

EEO's concerns that it may be difficult to prove that discrimination was not a factor in the denial of licensure (because the board had been provided a picture of an applicant) may be unnecessary. Specifically, license denials must be based

upon a provision in the board's statutes or regulations. Denial notices must list the specific authority for rejection. We believe the procedures for denying an applicant, and the practice of listing the specific reasons for denial in the notice to the applicant provides adequate protection for the board from being subject to discrimination complaints. Further, your suggestion of separating the photo from an application prior to board review is questionable since licensing applications are public documents and we believe it would be inappropriate for division staff to withhold public information from the board.

Response to Recommendation No. 3

OL should continue their efforts to provide adequate public notice of board meetings.

The Department partly concurs with Audit regarding the public notice of board meetings. It is true that the public notice policy is labor intensive and the Department has been diligently trying to streamline this process to meet our obligation to public notice while at the same time developing a public notice procedure that is fiscally responsible. It is true that one teleconference was public noticed two days before an event (the teleconference occurred on October 13, 1993 and the public notice appeared October 11, 1993) however, this type of notice is not the norm and the Department maintains it is responsible in its public notice procedure. Further, events such as the need for immediate discipline proceedings may make it impossible to "adequately" public notice an event. An exception is provided in statute for such a situation albeit we still attempt to provide some notice, if possible.

We take exception that the Audit has cited an Attorney General Opinion written in December, 1992 to the Department of Education in response to that department's request for public notice clarification. This Department was not carbon copied on that opinion and, therefore, not privy to that legal advice. This Department has relied on its own internal policies and our AAG's advice for adequate public notice. The Department will continue to comply with the public notice requirements as defined by our AAG.

Response to Recommendation No. 4

OL should request statutory changes to AS 08.01.050 and AS 08.01.070 to clarify responsibilities for the taking of board meeting minutes and production of an annual report.

The Department concurs with Recommendation No. 4. A rewrite of AS 08.01 makes numerous revisions including amendments to the statutes cited in this recommendation. The rewrite includes revisions which make drafting minutes a Department responsibility. It also provides for annual report deadline submission of August 1. The annual report deadline revision is necessary as many statistics needed for the annual report are not available until June 30, thus making it impossible for the boards to meet the existing deadline of submission by June 30.

The Department strongly disagrees that the annual report authority should be amended to make annual report submission a Department responsibility. We recognize that Division staff are instrumental in assisting boards when completing reports. Staff provide statistical and clerical assistance, however, this report must be reflective of the board's position on various matters involving the profession regulated including legislative and regulatory needs, budget requests, and upcoming goals. These are areas which the board is solely responsible for developing.

Response to Recommendation No. 5

OL should develop and implement written policies and procedures for timely reporting of any board members' potential violations of the Executive Branch Ethics Act to the Department of Law (Law).

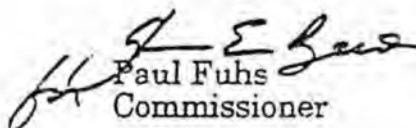
The Department agrees and will comply with this recommendation. A written procedure developed by staff will be limited to include directives for staff follow-up at each meeting with collection of ethic reports as well as clarifying dates which quarterly reports must be compiled and forwarded to the Attorney General's Office. We concur that staff is responsible for the timely submission to the Department of Law. This is the limit of responsibility recognized on behalf of the Department.

All other policy, procedures, interpretations, and written directives for what must be reported must come from the Department of Law. Guidance on when a member must report a conflict, what should be reported, confirmation of what constitutes a conflict and who has authority to rule/overrule a decision made by a designated supervisor are all matters which are beyond the scope of DCED staff expertise. Consequently, the Department disagrees with the statement in the text of recommendation no. 5 which states "Functionally, OL staff advise the professional licensing boards as to the reporting necessary for compliance with the Ethics Act . . . ."

The Department has asked for a written directive from the Department of Law, in layman's terms, which clarifies these matters. Any forthcoming directives from the Department of Law will be distributed to board members.

Thank you for this opportunity to respond. If my department can assist you in any other way please let me know.

Sincerely,

  
Paul Fuhs  
Commissioner

PF/dg15296D  
112993b

cc: Karl Luck, Director, Division of Occupational Licensing

S B

3 1 2

(9)  
Date Referred: April 14, 1994

HOUSE COMMITTEE REPORT  
FURTHER REFERRALS:

Finance

Date of Committee Action: 4/17/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 312(HES) am

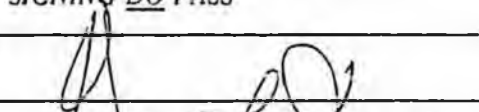
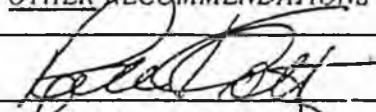

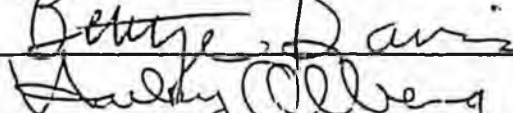
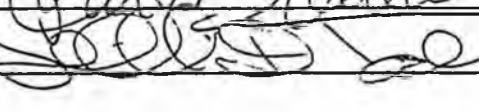
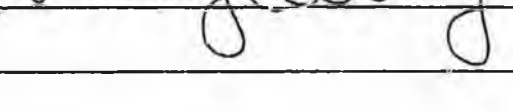
CS FOR SENATE BILL NO. 312(HES) am SCHOOL CONSTRUCTION GRANT REVIEW

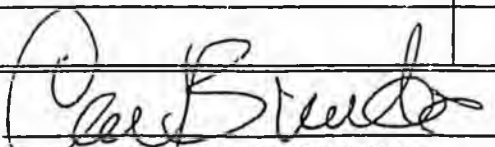
"An Act relating to the school term, school construction grants and to interscholastic school activities; relating to a pilot project for state aid for special education; and providing for an effective date."

RECOMMENDATIONS:  
be replaced with HCS CSSB 312 (HES)  the same title  
 a new title  
 have attached amendments(s)  
 do pass  
 do not pass  
 no recommendations  
 individual recommendations  
 additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)  
 fiscal impact \_\_\_\_\_  fiscal note(s) \_\_\_\_\_  
 zero fiscal note Education  zero fiscal note(s) \_\_\_\_\_

| SIGNING DO PASS   | DP | OTHER RECOMMENDATIONS  | DNP | NR | AM |
|---|----|--|-----|----|----|
|  |    |  |     | X  |    |
|  | X  |  |     |    | X  |
|  | X  |  |     | ✓  |    |
|   |    |  |     |    |    |
|   |    |  |     |    |    |
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|   |    |  |     |    |    |

  
CHAIRMAN'S SIGNATURE

# FISCAL NOTE

STATE OF ALASKA

BILL NO. CSSB 312 (HES)am

1994 LEGISLATIVE SESSION

Revision Date: 4/15/94

Department Affected: Department of Education

Title: An Act relating to the school term, school construction grants, interscholastic activities & pilot project for special education.

BRU: K - 12 Support

Sponsor: Senate Finance Committee

Component: Foundation Program

Requestor: House HESS Committee

COMPONENT SERIAL NO. 141

**Expenditures/Revenues:**

(Thousands of Dollars)

| OPERATING              | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES      |       |       |       |       |       |       |
| TRAVEL                 |       |       |       |       |       |       |
| CONTRACTUAL            |       |       |       |       |       |       |
| SUPPLIES               |       |       |       |       |       |       |
| EQUIPMENT              |       |       |       |       |       |       |
| LAND & STRUCTURES      |       |       |       |       |       |       |
| GRANTS, CLAIMS         |       |       |       |       |       |       |
| MISCELLANEOUS          |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b> | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|                      |     |     |     |     |     |     |
|----------------------|-----|-----|-----|-----|-----|-----|
| REVENUE FUND SOURCE: | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|----------------------|-----|-----|-----|-----|-----|-----|

**FUNDING:**

(Thousands of Dollars)

| FUNDING                  | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 1002 Federal Receipts    |       |       |       |       |       |       |
| 1003 GF Match            |       |       |       |       |       |       |
| 1004 GF                  |       |       |       |       |       |       |
| 1005 GF/Program Receipts |       |       |       |       |       |       |
| 1006 GF/MHTIA            |       |       |       |       |       |       |
| Other                    |       |       |       |       |       |       |
| <b>TOTAL</b>             | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |


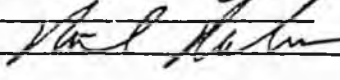
**POSITIONS:**

| POSITION TYPE | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|---------------|-------|-------|-------|-------|-------|-------|
| FULL-TIME     |       |       |       |       |       |       |
| PART-TIME     |       |       |       |       |       |       |
| TEMPORARY     |       |       |       |       |       |       |

Estimate of current year (FY94) impact: \$ \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary.)**

The proposed legislation will not have an additional cost to the state. Section 4, which establishes a pilot project for state aid for special education, may have a savings to the state in the future. Please see the attached page for further detail.

Prepared by: Duane Guiley  Phone: 465-8679  
 Division: School Finance Date: April 15, 1994  
 Approved by Commissioner: Jerry Covey  Date: April 15, 1994  
 Agency: Education

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## Fiscal Note Analysis

CSSB 312 (HES)am

"An Act relating to the school term, school construction grants and to interscholastic school activities; relating to a pilot project for state aid for special education; and providing for an effective date."

The Public School Foundation Program provides state aid in support of kindergarten through twelfth grade public education. In addition, the foundation program provides supplementary units for students with special needs. The fastest growing component of the foundation program is special education. From 1988 through 1993, special education units increased an average of 6.6% a year. Typically, special education units increase by about 150% of the increase in K-12 units, but the increase has been as high as 200% of the K-12 unit increase.

Establishing a pilot program which caps the percentage of students identified in certain special education service categories will not cost the state additional money. Based on previous trends, the caps will reduce the eligibility for state aid that otherwise would have been requested by a district. The results of the pilot(s) should establish the value of duplicating the special education service alternative in other districts, providing for an even greater savings.



Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

SUBJECT OF MEETING:  
 SB 312: SCHOOL CONSTRUCTION BOND REVIEW  
 SB 70: ASSISTIVE TECHNOLOGY LOAN GUARANTEES

DATE: 4/19/94

PLACE: Capitol Room 106

| NAME             | REPRESENTING | BUSINESS/PERSONAL MAILING ADDRESS | ZIP   | (H) PHONE | (W) PHONE | DO YOU WANT TO TESTIFY?                                    | WHAT SUBJECT/ WHICH BILL? |
|------------------|--------------|-----------------------------------|-------|-----------|-----------|--|---------------------------|
| Robert Berryhill | AARP         | 157 Edwards, JUNI                 | 99501 | 586-2643  |           | <input checked="" type="radio"/> Y <input type="radio"/> N | SB-70                     |
| Ernest E. Daw    | AARP         | Box 20995 June                    | 99502 | 588-3816  |           | <input checked="" type="radio"/> Y <input type="radio"/> N | SB-70                     |
| F. and Cloth.    | SAIL         | 9163 PARKWOOD                     | 99581 | 789-9235  | 9-9665    | <input checked="" type="radio"/> Y <input type="radio"/> N | SB-70                     |
| Mura Howe        | DOE          |                                   |       |           | 465-2971  | <input type="radio"/> Y <input checked="" type="radio"/> N | SB 312                    |
| Stan R. Draven   | DUIZ         |                                   |       |           | 465-6932  | <input checked="" type="radio"/> Y <input type="radio"/> N | SB-70                     |
|                  |              |                                   |       |           |           | <input type="radio"/> Y <input type="radio"/> N            |                           |
|                  |              |                                   |       |           |           | <input type="radio"/> Y <input type="radio"/> N            |                           |
|                  |              |                                   |       |           |           | <input type="radio"/> Y <input type="radio"/> N            |                           |
|                  |              |                                   |       |           |           | <input type="radio"/> Y <input type="radio"/> N            |                           |
|                  |              |                                   |       |           |           | <input type="radio"/> Y <input type="radio"/> N            |                           |
|                  |              |                                   |       |           |           | <input type="radio"/> Y <input type="radio"/> N            |                           |



Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

SUBJECT OF MEETING:

DATE:

PLACE: Capitol Room 106

| NAME                    | REPRESENTING       | BUSINESS/PERSONAL MAILING ADDRESS | ZIP          | (H) PHONE       | (W) PHONE       | DO YOU WANT TO TESTIFY?                                    | WHAT SUBJECT/ WHICH BILL? |
|-------------------------|--------------------|-----------------------------------|--------------|-----------------|-----------------|--|---------------------------|
| <i>Patricia Higgins</i> | <i>North Shore</i> | <i>9140 GRANITE PL</i>            | <i>99507</i> | <i>349 3628</i> | <i>269-2111</i> | <input checked="" type="radio"/> Y <input type="radio"/> N | <i>SB 312</i>             |
|                         |                    |                                   |              |                 |                 | <input type="radio"/> Y <input type="radio"/> N            |                           |
|                         |                    |                                   |              |                 |                 | <input type="radio"/> Y <input type="radio"/> N            |                           |
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|                         |                    |                                   |              |                 |                 | <input type="radio"/> Y <input type="radio"/> N            |                           |

04/21/94

08:32:00

TCN: 40683

DATE & TIME: 04/19/94 15:00 TO 16:00

STATUS:7 STATS. IN

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HNES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY  
 PURPOSE: PUB PUBLIC HEARING LEGISLATIVE BUNDE  
 CONTACT: LYNN TEL#: (907)465-6825  
 CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 99 MINUTE LIMIT  
 TESTIMONY WILL BE TAKEN.

TCN REQUESTED ON 04/19/94 AND HAS 3 UPDATES

\*\*\*\* AGENDA \*\*\*\*

1 SR 312 SCHOOL CONSTRUCTION GRANT REVIEW

\*\*\*\* PARTICIPATING LTOS \*\*\*\*

|               |                  |                |
|---------------|------------------|----------------|
| ANC ANCHORAGE | 716 W 4TH, #200  | LOCATION STAFF |
| HOM HOMER LTC | 126 W PIONEER #4 | LOCATION STAFF |
| * JNU JUNEAU  | CAPITOL CAP106   | LOCATION STAFF |

\*\*\*\* VOLUNTEER & OFFNET SITES \*\*\*\*

|                  |           |              |               |
|------------------|-----------|--------------|---------------|
| ZZZ OF1 OFFNET 1 | HOMER     | BOB BELL     | (907)235-6942 |
| ZZZ OF2 OFFNET 2 | ANCHORAGE | LARRY WIGGET | (907)333-1422 |

PARTICIPANTS IN: HOMER LTC

HOM

|                     |                               |
|---------------------|-------------------------------|
| 1 MR. PATRICK CASE  | KPB, COUNCIL PTA TSYF, SB 312 |
| 3931 NIELSON CIRCLE | HOMER AK 99603 (907)235-6816  |

PARTICIPANTS IN: JUNEAU

JNU

|         |          |                 |                  |
|---------|----------|-----------------|------------------|
| 1 REP C | HUNDE    | TSFY, ALL ITEMS | AK (907)000-0000 |
| 2 REP C | TOOHEY   | TSFY, ALL ITEMS | AK (907)000-0000 |
| 3 REP H | OLBERG   | TSFY, ALL ITEMS | AK (907)000-0000 |
| 4 REP G | DAVIS    | TSFY, ALL ITEMS | AK (907)000-0000 |
| 5 REP B | DAVIS    | TSFY, ALL ITEMS | AK (907)000-0000 |
| 6 REP T | BRICE    | TSFY, ALL ITEMS | AK (907)000-0000 |
| 7 REP I | NICHOLIA | TSFY, ALL ITEMS | AK (907)000-0000 |
| 8 TO    | OBSERVE  | OBSV, ALL ITEMS |                  |
| 9 TO    | OBSERVE  | OBSV, ALL ITEMS |                  |
| 10 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 11 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 12 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 13 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 14 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 15 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 16 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 17 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 18 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 19 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |
| 20 TO   | OBSERVE  | OBSV, ALL ITEMS |                  |

PARTICIPANTS IN: JUNEAU

JRU

|        |                    |         |                  |
|--------|--------------------|---------|------------------|
| 21     | TO                 | OBSERVE | OBSV. ALL ITEMS  |
| 22     | TO                 | OBSERVE | OBSV. ALL ITEMS  |
| 23     | TO                 | OBSERVE | OBSV. ALL ITEMS  |
| 24     | TO                 | OBSERVE | OBSV. ALL ITEMS  |
| 25     | TO                 | OBSERVE | OBSV. ALL ITEMS  |
| 26     | TO                 | OBSERVE | OBSV. ALL ITEMS  |
| 27     | TO                 | OBSERVE | OBSV. ALL ITEMS  |
| 28 MR. | DUANE              | GUILLEY | TSFY. ALL ITEMS  |
|        | DEPT. OF EDUCATION |         | AK (907)000-0000 |

PARTICIPANTS IN: OFFNET 1

ZZZ OF1

|       |       |      |                  |
|-------|-------|------|------------------|
| 1 MR. | ROB   | BELL | TSFY. ALL ITEMS  |
|       | HOMER |      | AK (907)000-0000 |

PARTICIPANTS IN: OFFNET 2

ZZZ OF2

|       |           |         |                  |
|-------|-----------|---------|------------------|
| 1 MR. | LARRY     | WIGET   | TSFY. ALL ITEMS  |
|       | ANCHORAGE |         | AK (907)000-0000 |
| 2     | TO        | TESTIFY | TSFY. ALL ITEMS  |

H/HESS ROLL CALL FORM

BILL SB 312 DATE 4/19/94  
 TAPE 94-69 NUMBER 312  
 SUBJECT OF VOTE TO ADOPT AMENDMENT 2

| MEMBER              | YEA      | NAY      | ABS |
|---------------------|----------|----------|-----|
| Rep. Cynthia Toohey | —        | ✓        | —   |
| Rep. Con Bunde      | —        | ✓        | —   |
| Rep. Gary Davis     | —        | ✓        | —   |
| Rep. Al Vezey       | —        | ✓        | —   |
| Rep. Pete Kott      | —        | ✓        | —   |
| Rep. Harley Olberg  | —        | ✓        | —   |
| Rep. Bettye Davis   | —        | ✓        | —   |
| Rep. Irene Nicholia | —        | ✓        | —   |
| Rep. Tom Brice      | —        | —        | —   |
| TOTAL               | <u>0</u> | <u>7</u> | —   |

+++++

BILL \_\_\_\_\_ DATE \_\_\_\_\_  
 TAPE 94- NUMBER \_\_\_\_\_  
 SUBJECT OF VOTE \_\_\_\_\_

| MEMBER              | YEA | NAY | ABS |
|---------------------|-----|-----|-----|
| Rep. Con Bunde      | —   | —   | —   |
| Rep. Gary Davis     | —   | —   | —   |
| Rep. Al Vezey       | —   | —   | —   |
| Rep. Pete Kott      | —   | —   | —   |
| Rep. Harley Olberg  | —   | —   | —   |
| Rep. Bettye Davis   | —   | —   | —   |
| Rep. Irene Nicholia | —   | —   | —   |
| Rep. Tom Brice      | —   | —   | —   |
| Rep. Cynthia Toohey | —   | —   | —   |
| TOTAL               | —   | —   | —   |

## DEPARTMENT OF EDUCATION

### Testimony CS for SB312

Senate Bill 312 is not intended to give the Department of Education unilateral control over the scope or cost of a school district capital project, nor to give the Department unilateral authority to determine which projects should be phase funded. The bill is intended to provide more options to the Department, during the initial review process, than what exists currently in statute. AS14.11.013(c) describes three conditions under which the Department may reject a school capital project request, as follows: (1) incomplete information; (2) a determination that existing facilities can meet the need or that alternative projects are in the best interest of the state; or (3) a determination that the project is not in the best interest of the state. Under current law, a decision by the Department to reject a project may be unilateral and is not subject to appeal under AS14.11.016. A rejected project delays the district a minimum of another year.

Assignment of priority, establishment of project scope and establishment of project budget are all subject to appeal under AS14.11.016. If SB312 passes and if the Department exercises the authority granted by section one in evaluating a capital project budget request, then each of those decisions would be subject to appeal. An appeal provides an opportunity for the district to provide information to the Department and an independent hearing officer in order to overturn the Department's initial consideration.

The Department intends to provide no more than three phases of funding. Planning, design, and construction phases will assist districts in developing accurate cost projections, utilizing state resources. As the department develops more stringent criteria for project applications, the cost of developing a capital project request will increase. Some districts will not have the financial or human resources needed to develop the standardized form. By providing a planning and design grants districts will be able to develop accurate cost estimates for the construction phase of the project they will know where they are going to build, what they are going to build and how they are going to build it.

Under the current system districts must cover the potential cost increases, project contingencies and all other unknowns in their initial project application. At the time of application most districts have no idea where they will build the new building, what the community need or what the cost will be. As a result some projects are short funded while other projects are over funded. Rarely do districts return money to the state. Rather than returning money, districts increase the scope of the project or enhance the project in some way to utilize the total grant amount.

In order to alleviate some of the concern which has been expressed about the potential misuse of Department authority, the Department would suggest deleting lines 9 & 10 on page 1 and inserting :

(2) require that a school construction project be phased for purposes of planning, design and construction.

**Bond Reimbursement and Grant Review Committee**  
**Facility Evaluation/Inventory Sub-Committee Report**  
Wednesday, February 16, 1994

**SCHOOL CAPITAL IMPROVEMENT PROGRAM PROPOSAL**

**Issue:** Facility condition survey and provision for school facility inventory

**Background:** Concerning standards for school construction, prioritization of capital projects and inventory and condition surveys of existing facilities, the Alaska 2000 Facilities Committee recommended the following:

*Alaska Department of Education should develop a set of standards to guide school construction. Topics include space (overall size and distribution), quality (materials) and cost, both construction and "soft" costs.*

*Alaska Department of Education should, Provide annual set aside for major maintenance of \$20-40 million, require adequate preventive maintenance in order to be eligible for state funding, create incentives for good programs and institute an independent assessment program for State funded projects and for preventive maintenance programs.*

*A statewide educational facility inventory process is required. Inventory efforts should be focused in the areas of most critical need and should increase as funding becomes more likely. Technical and program evaluation should be included. The process should be standardized and state funded.*

Based on these recommendations, the Commissioner appointed an eighteen member committee, chaired by Superintendent, Dick Clevenger, to provide a more detailed description of a capital improvement evaluation and ranking process, school construction standards and a state-wide facility inventory. The committee met over the spring and summer of 1993. Included in the list of findings was the following Matrix Sub-Committee recommendation:

*The State of Alaska should adopt a matrix model that will be utilized to prioritize school districts capital improvement projects. The matrix model should be similar to the State of Washington's and address both the condition of existing facilities and student populations served. The building condition evaluation forms presented in the CEFPI "School Facility Appraisal Guide" should be used in lieu of the Washington State forms. Both Models will require modification to meet the unique requirements of Alaska.*

The results of prior committee work were distributed at the organizational meeting of the Bond Reimbursement and Grant Review Committee (BR&GRC). Copies of the Council of Educational Facility Planners (CEFPI) Comprehensive Facility Evaluation Process and the Washington State Prioritization Model were distributed and discussed at the December 9, 1993, BR&GRC meeting. In order to provide for a detailed review of both processes and prior committee work and for the purpose of making a BR&GRC recommendation, the Chair appointed the four person, Facility Evaluation/Inventory Sub-committee. The sub-committee was charged with developing a recommendation for BR&GRC consideration, related to a state-wide education facility inventory and a facility condition survey process.

The sub-committee obtained a commitment from Michael Roberts, Washington State Director of School Facilities and Organization, to attend the meeting and provide an overview of Washington's experience in developing and implementing its model. The sub-committee met on February 15, 1994 in the Department's second floor conference room of the Goldbelt Building in Juneau, Alaska. The group consisted of the four committee members, Ed Crittenden, staff program consultant, and Michael Roberts. The Educational Facilities Support staff observed.

Mr. Roberts presented an overview of the prior and current school construction evaluation, prioritization and funding processes, as well as a differentiation of the terms "eligibility" and "priority". Many similarities were noted between the prior Washington and the current Alaska programs. However, the current Washington system requires a significantly greater up front share to be provided by the local district through passage of a local bond and a reduced state fund share. All Washington school districts have limited bonding and mill levy authority. Project eligibility is based on a 14 question state study and survey, which includes building condition surveys of all district facilities and a comprehensive six year plan, partially state funded once each six years. Priority is based on a single scoring matrix which classifies projects as 1) growth construction or 2) modernization or new in-lieu/major renovation. The minimum threshold for a modernization or new in-lieu/major renovation project is 40% of current facility replacement cost. The state share is based on a standard gross square foot per student, grouped by grade level, times a standard per square foot construction cost, times a state match ratio, determined by assessed valuation per pupil. State match ranges from a high of 96% to a low of 20% of standard cost. The eligibility and formula establish the state share, while, the priority determines in what order the state will fund. Front funding with local dollars, with subsequent reimbursement through the prioritization process is an option. In each case, the district is the owner, the district manages the project and the district determines space utilization. The state match is tied to specific timelines and is based on "on-site" costs and excludes all "off-site" costs, (ie, access roads, utility hook-ups, traffic signals). The state share is funded with earnings of the School Lands Trust Fund, after the required local dollars are expended.

**Recommendation:** The State should require a standardized evaluative instrument that considers the educational program suitability and general condition of an existing facility, for the purpose of determining eligibility for state funding. This instrument would be similar to the CEFPI Comprehensive Facility Evaluation, adapted for Alaska. A more technical, standardized facility condition survey should be required in order to evaluate state-wide priority and determine the state share of a specific construction project. The condition survey should be comparable to an amended Washington State form and require surveyor training or experience similar to an architect or engineer.

The facility evaluation and the facility condition survey should be considered in the assignment of priority and be required as an attachment to each fiscal year 1996 construction phase project application. Districts which lack the human or financial resource to prepare the technical facility condition survey should submit the facility evaluation as part of the application package for a FY96 planning grant.

Districts should be required to submit standardized facility evaluations on all existing educational facilities within the district, as a prerequisite to school capital improvement funding in fiscal year 1998. These evaluations will provide the basis for a state-wide educational facility inventory.

The Department should make copies of the standardized documents available to all districts and provide training to interested parties by May 30, 1994, in order to require submittal by September 1, 1994. Districts which have an existing facility evaluation and/or facility condition survey document should be required to "cross walk" the district document to the standardized form.

**Response:** The Bond Reimbursement and Grant Review Committee adopted this report on February 16, 1993, for the purpose of submitting it as a recommendation to Commissioner Covey and for making a report to the State Board of Education. The Board accepted the report at its regular meeting on February 18, 1994. Subsequent to that meeting, Commissioner Covey accepted the recommendation.



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TO: HOUSE HESS COMMITTEE

SUBJECT: SENATE BILL NO. 312

DATE: APRIL 18, 1994

While we appreciate the efforts of DOE and the legislature in attempting to address containing school construction costs statewide, the proposed legislation and proposed DOE criteria for unhoused students remains too subjective in areas which require objectivity.

Thus, the administration of the Anchorage School District is opposed to Senate Bill No. 312. We believe that the bill is not in the best interest of the Anchorage School District. It usurps local control and does not address our unhoused students needs.

Specific areas of objection include the following:

I. Section 1. AS 14.11.013 (c), is amended to read;

(c) The department may

(1) modify a project request when necessary to achieve cost-effective school construction;

(2) require that school construction in a project request be phased; and...

The proposed legislation would further erode local control in making decisions concerning cost effective school construction. Currently, DOE requires that certain subjective criteria must be met, including a maximum of 100 square feet per student maximum for elementary schools and 150 square feet per student for secondary schools.

While we understand that the proposed legislation is being put forth to control construction costs, it is our belief from past experience that the current regulations already provide for that while allowing for some local control.

What is being proposed is such that while we may meet all the current criteria on a cost-efficient project, DOE may still modify the project including forcing the district to use cheaper materials to lower the cost, thus lowering the life expectancy of the building while increasing maintenance costs.

In addition, by requiring a district to phase in a project rather than completing it at the time of initial construction, could increase the overall costs of the project. This decision should be left to the local school board based on what they believe is the most cost-effective method for the project.

For the Anchorage School District, with its strong local control through Board, Municipal Assembly and bonding ability, building unnecessary or extravagant facilities is not permitted.

There are times in which we do complete renovations of schools on a phased-in schedule, but that is determined by the local board based on multiple factors, such as that which is in the best interest of our students, as well as community and cost considerations.

*For further information please contact Dr. Brent Rock, Assistant Superintendent, Administrative Services at 269-2281; or, Dr. Larry Wiget at 269-2255.*



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PLEASE DISTRIBUTE THE ATTACHED ASD POSITION ON SB 312 TO ALL MEMBERS OF THE HESS.

ALSO, PLEASE CONTACT DR. BRENT ROCK, ASSISTANT SUPERINTENDENT FOR FURTHER INFORMATION ON OUR POSITION.

HE CAN BE REACHED AT 268-2281.

THANK YOU!



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### Sponsor Statement

Senate Bill No. 312 was introduced by the Senate Finance Committee and passed the Senate as CS SB 312 (HESS) Am.

Under current law, the Department of Education must accept or reject a school construction project *in toto*; a project can only be rejected if found to be "not in the best interests of the state", an undefined standard that could easily lead to litigation if used by the department. SB 312 would allow DOE to modify or revise the scope of submitted projects to assure that schools are adequately sized for the community to be served. In addition, SB 312 would allow DOE to require that school construction projects be phased, an approach which has worked extremely well for other grant programs such as village safe water. A phased-in approach will allow DOE an opportunity to review projects through their development and make adjustments as needed.

An all-or-nothing approach to approval of school construction projects is not effective either for school districts or for the department, and this bill seeks to remedy the situation.

The HESS version included a provision that school construction projects be phased.

Two amendments were added on the floor. The Department of Education and I supported both.

Amendment 1 allowed a school term to begin and end on dates fixed by the governing body of a school district as long as the term equivalent is not less than 180 days. This allows the accommodation of situations such as Russian Orthodox holidays in certain schools on the Kenai Peninsula.

Amendment 2 concerns a pilot project for special education services. The number of students identified for special education is increasing each year. Currently school districts must identify and count students (AS 14.07.045) to receive special education funding. This amendment allows the Commissioner of Education to authorize a pilot project in four school districts for a period not to exceed three years that will not cost the state additional revenue.

# Pilot Project for Special Education Services

|                                  |  |
|----------------------------------|--|
| <b>Special Education Funding</b> | Special education is funded pursuant to AS 14.17.045, which specifies that exceptional children generate additional instructional units if they receive gifted services (0.025 units), resource services (0.056 units), self-contained services (0.1 units), or intensive services (0.333 units), as those services are defined by regulation.   |
| <b>Problem</b>                   | <p>The funding mechanism provides a financial incentive for districts to identify as many children as possible for special education. Funding use is discretionary at the district level. In other words, funds generated through the foundation program due to the classification of children as exceptional need not be spent on special education services. In some instances, districts may label students unnecessarily. The result is contrary to the most current research and litigation, which speaks to inclusion of children in the regular education program to the maximum extent appropriate.</p> <p>The number of students identified for special education is increasing each year as a result of many factors, including greater social and emotional needs of children entering our schools. The expansion of the special services program is putting a tremendous financial burden on the state. Many of the students whose evaluations result in identification as disabled may not be disabled themselves, but may be reflecting a disability of our schools to meet their educational needs.</p> |
| <b>Alternative Model</b>         | A number of districts believe that many children are inappropriately labeled mildly or moderately disabled. They believe that these children can be served in the regular educational program with satisfactory educational results without the stigma and harm that can follow from being labeled disabled or handicapped. The department believes that districts will be able to demonstrate that with additional training for teachers and more emphasis on early intervention programs, these children will meet or exceed educational results that could be expected from identifying the children as disabled. However, if districts do not identify and count students according to AS 14.17.045, they cannot receive special education funding at all.   |
| <b>Solution</b>                  | The Department of Education believes an alternative approach should be encouraged. It is recommended that a pilot project be authorized for four school districts. The project would cap the percentage of resource and self-contained students at the district's current level, would allow greater flexibility in serving students in the regular educational program, and would remove the incentive for identifying and labeling students. The department believes the concept is in line with the most current research in special education, is in the best interest of our students, and will ultimately save the state money.  |

Prepared by the Department of Education.

ALASKA DEPARTMENT OF EDUCATION  
 FY88-94 FOUNDATION PROGRAM  
 Special Education Units

4/6/94 FILE: 7YRSPED.XLS

|                  | FY88<br>Spec. Ed. | FY89<br>Spec. Ed. | FY90<br>Spec. Ed. | FY91<br>Spec. Ed. | FY92<br>Spec. Ed. | FY93<br>Spec. Ed. | FY94<br>Spec. Ed. | Area<br>Diff. |
|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|---------------|
| ADAK             | 4.58              | 4.58              | 3.79              | 3.56              | 5.14              | 5.17              | 3.53              | 1.27          |
| ALASKA GATEWAY   | 7.49              | 7.21              | 6.16              | 7.01              | 7.41              | 7.05              | 8.76              | 1.19          |
| ALEUTIAN REGION  | 1.03              | 1.48              | 3.64              | 1.00              | 1.00              | 1.00              | 1.00              | 1.31          |
| ALEUTIANS EAST   | 3.17              | 3.21              | 1.00              | 4.22              | 4.60              | 3.68              | 3.86              | 1.31          |
| ANCHORAGE        | 437.70            | 450.78            | 453.62            | 475.17            | 533.78            | 603.05            | 593.60            | 1.00          |
| ANNETTE ISLANDS  | 4.57              | 5.74              | 5.75              | 5.69              | 5.57              | 5.00              | 5.04              | 1.03          |
| BERING STRAIT    | 14.04             | 14.18             | 14.81             | 15.54             | 16.51             | 18.66             | 19.94             | 1.39          |
| BRISTOL BAY      | 2.84              | 2.96              | 2.73              | 3.21              | 3.07              | 3.34              | 3.07              | 1.27          |
| CHATHAM          | 4.04              | 4.40              | 4.44              | 4.45              | 4.48              | 4.59              | 4.67              | 1.03          |
| CHUGACH          | 1.20              | 1.24              | 2.27              | 2.10              | 2.14              | 1.47              | 1.84              | 1.14          |
| COPPER RIVER     | 3.57              | 5.45              | 6.41              | 9.62              | 7.85              | 6.73              | 6.51              | 1.14          |
| CORDOVA          | 4.07              | 5.03              | 4.97              | 4.98              | 5.69              | 5.99              | 5.92              | 1.11          |
| CRAIG            | 1.83              | 1.94              | 1.79              | 2.30              | 3.55              | 4.25              | 4.92              | 1.03          |
| DELTA/GREELY     | 11.26             | 11.72             | 10.76             | 12.28             | 14.53             | 13.84             | 16.12             | 1.16          |
| DENALI           | 2.60              | 2.78              | 2.75              | 2.72              | 3.12              | 3.40              | 3.55              | 1.23          |
| DILLINGHAM       | 4.52              | 7.02              | 8.80              | 9.11              | 12.15             | 10.20             | 9.26              | 1.27          |
| FAIRBANKS        | 133.62            | 140.30            | 142.84            | 145.58            | 154.87            | 181.06            | 190.77            | 1.04          |
| GALENA           | 1.00              | 1.02              | 1.00              | 2.02              | 2.11              | 1.49              | 1.74              | 1.30          |
| HAINES           | 2.55              | 2.85              | 2.12              | 3.33              | 4.07              | 3.87              | 4.05              | 1.05          |
| HOONAH           | 2.80              | 2.52              | 2.43              | 2.69              | 3.97              | 6.19              | 6.61              | 1.08          |
| HYDABURG         | 1.39              | 1.25              | 1.25              | 1.45              | 1.17              | 1.39              | 1.00              | 1.03          |
| IDITAROD         | 4.51              | 5.01              | 6.70              | 7.13              | 6.29              | 6.18              | 6.75              | 1.33          |
| JUNEAU           | 63.81             | 67.36             | 68.66             | 72.42             | 85.30             | 98.70             | 98.73             | 1.00          |
| KAKE             | 3.15              | 3.30              | 2.74              | 2.56              | 2.42              | 2.93              | 2.29              | 1.03          |
| KASHUNAMIUT      | 2.42              | 2.75              | 2.85              | 2.01              | 3.50              | 2.54              | 3.14              | 1.33          |
| KENAI            | 80.29             | 85.40             | 92.18             | 98.35             | 120.39            | 117.88            | 118.32            | 1.00          |
| KETCHIKAN        | 26.38             | 29.32             | 26.88             | 28.35             | 28.02             | 27.66             | 23.19             | 1.00          |
| KLAWOCK          | 2.07              | 2.73              | 2.62              | 3.14              | 3.11              | 3.75              | 3.58              | 1.03          |
| KODIAK           | 27.39             | 26.03             | 25.82             | 25.84             | 28.91             | 31.31             | 30.84             | 1.09          |
| KUSPUK           | 4.80              | 5.97              | 5.53              | 6.76              | 7.56              | 7.72              | 6.50              | 1.33          |
| LAKE AND PENN.   | 4.13              | 3.97              | 5.71              | 4.97              | 4.08              | 5.88              | 6.78              | 1.31          |
| LOWER KUSKOKWIM  | 31.88             | 29.69             | 33.71             | 36.03             | 38.77             | 40.23             | 38.23             | 1.42          |
| LOWER YUKON      | 14.74             | 14.18             | 15.32             | 18.48             | 22.63             | 18.79             | 17.77             | 1.35          |
| MATSU            | 74.73             | 81.97             | 87.72             | 104.77            | 117.44            | 126.04            | 136.27            | 1.00          |
| NENANA           | 2.92              | 2.13              | 1.88              | 1.79              | 2.05              | 2.25              | 1.61              | 1.20          |
| NOME             | 6.63              | 7.97              | 6.62              | 8.95              | 10.33             | 10.77             | 10.14             | 1.34          |
| NORTH SLOPE      | 7.16              | 7.45              | 7.96              | 8.78              | 8.09              | 9.24              | 10.98             | 1.45          |
| NORTHWEST ARCTIC | 16.33             | 20.50             | 21.14             | 20.94             | 24.79             | 18.52             | 21.35             | 1.45          |
| PELICAN          | 1.00              | 1.00              | 1.00              | 1.09              | 1.00              | 1.00              | 1.00              | 1.08          |
| PETERSBURG       | 7.82              | 6.99              | 8.06              | 7.85              | 7.38              | 6.91              | 7.02              | 1.00          |
| PRIBILOF         | 1.83              | 2.08              | 2.19              | 2.48              | 2.05              | 2.24              | 2.16              | 1.30          |
| SITKA            | 16.88             | 18.35             | 14.70             | 17.85             | 15.77             | 15.70             | 15.23             | 1.00          |
| SKAGWAY          | 1.00              | 1.28              | 1.23              | 1.16              | 1.46              | 1.23              | 1.48              | 1.05          |
| SOUTHEAST        | 4.55              | 4.62              | 5.67              | 6.09              | 5.26              | 5.64              | 6.22              | 1.04          |
| SOUTHWEST        | 5.13              | 5.01              | 5.12              | 6.24              | 6.31              | 5.52              | 4.96              | 1.31          |
| ST MARY'S        | 2.05              | 1.85              | 1.98              | 1.93              | 1.77              | 1.97              | 1.22              | 1.30          |
| TANANA           | 1.00              | 1.00              | 1.00              | 1.32              | 1.28              | 1.20              | 1.11              | 1.30          |
| UNALASKA         | 1.21              | 1.93              | 1.81              | 2.18              | 2.16              | 2.50              | 2.77              | 1.27          |
| VALDEZ           | 3.77              | 4.77              | 4.90              | 5.99              | 5.22              | 8.71              | 9.19              | 1.11          |
| WRANGELL         | 5.82              | 7.51              | 9.50              | 8.22              | 8.59              | 5.71              | 7.17              | 1.00          |
| YAKUTAT          | 1.03              | 1.17              | 1.00              | 1.20              | 1.63              | 2.42              | 2.35              | 1.08          |
| YUKON FLATS      | 3.97              | 4.57              | 5.17              | 4.21              | 3.84              | 3.74              | 4.72              | 1.46          |
| YUKON/KOYUKUK    | 6.38              | 6.52              | 8.12              | 8.80              | 10.74             | 10.07             | 11.84             | 1.34          |
| YUPIIT           | 4.38              | 5.00              | 4.70              | 4.48              | 6.01              | 4.85              | 6.49              | 1.41          |
| TOTALS           | 1,091.03          | 1,147.04          | 1,173.52          | 1,250.39          | 1,330.93          | 1,501.22          | 1,517.16          |               |

ALASKA DEPARTMENT OF EDUCATION  
 FY88-94 FOUNDATION PROGRAM  
 Special Education Basic Need

4/6/94 FILE: 7YRSPED.XLS

| Unit Value >>>>  | \$60,000            | \$60,000            | \$60,000            | \$60,000            | \$60,000            | \$61,000            | \$61,000            |
|------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
|                  | FY88                | FY89                | FY90                | FY91                | FY92                | FY93                | FY94                |
|                  | Spec. Ed.           | Spec. Ed.           | Spec. Ed.           | Spec. Ed.           | Spec. Ed.           | Spec. Ed.           | Spec. Ed.           |
| ADAK             | \$349,200           | \$349,200           | \$288,600           | \$271,200           | \$391,800           | \$400,770           | \$273,280           |
| ALASKA GATEWAY   | 534,600             | 514,800             | 439,800             | 500,400             | 529,200             | 511,790             | 635,620             |
| ALEUTIAN REGION  | 81,000              | 116,400             | 286,200             | 78,600              | 78,600              | 79,910              | 79,910              |
| ALEUTIANS EAST   | 249,000             | 252,600             | 78,600              | 331,800             | 361,800             | 294,020             | 308,660             |
| ANCHORAGE        | 26,262,000          | 27,046,800          | 27,217,200          | 28,510,200          | 32,026,800          | 36,786,050          | 36,209,600          |
| ANNETTE ISLANDS  | 282,600             | 354,600             | 355,200             | 351,600             | 344,400             | 314,150             | 316,590             |
| BERING STRAIT    | 1,171,200           | 1,182,600           | 1,235,400           | 1,296,000           | 1,377,000           | 1,582,340           | 1,690,920           |
| BRISTOL BAY      | 216,600             | 225,600             | 208,200             | 244,800             | 234,000             | 258,640             | 237,900             |
| CHATHAM          | 249,600             | 271,800             | 274,200             | 274,800             | 276,600             | 288,530             | 293,410             |
| CHUGACH          | 82,200              | 84,600              | 155,400             | 143,400             | 146,400             | 102,480             | 128,100             |
| COPPER RIVER     | 244,200             | 372,600             | 438,600             | 658,200             | 537,000             | 467,870             | 452,620             |
| CORDOVA          | 271,200             | 334,800             | 331,200             | 331,800             | 379,200             | 405,650             | 400,770             |
| CRAIG            | 112,800             | 120,000             | 110,400             | 142,200             | 219,600             | 267,180             | 309,270             |
| DELTA/GREELY     | 783,600             | 816,000             | 748,800             | 854,400             | 1,011,000           | 979,050             | 1,140,700           |
| DENALI           | 192,000             | 205,200             | 202,800             | 201,000             | 230,400             | 254,980             | 266,570             |
| DILLINGHAM       | 344,400             | 535,200             | 670,800             | 694,200             | 925,800             | 789,950             | 717,360             |
| FAIRBANKS        | 8,337,600           | 8,754,600           | 8,913,000           | 9,084,000           | 9,663,600           | 11,486,300          | 12,102,400          |
| GALENA           | 78,000              | 79,800              | 78,000              | 157,800             | 164,400             | 118,340             | 137,860             |
| HAINES           | 160,800             | 179,400             | 133,800             | 210,000             | 256,200             | 247,660             | 259,250             |
| HOONAH           | 181,200             | 163,200             | 157,200             | 174,600             | 257,400             | 408,090             | 435,540             |
| HYDABURG         | 85,800              | 77,400              | 77,400              | 89,400              | 72,600              | 87,230              | 62,830              |
| IDITAROD         | 360,000             | 399,600             | 534,600             | 568,800             | 502,200             | 501,420             | 547,780             |
| JUNEAU           | 3,828,600           | 4,041,600           | 4,119,600           | 4,345,200           | 5,118,000           | 6,020,700           | 6,022,530           |
| KAKE             | 194,400             | 204,000             | 169,200             | 158,400             | 149,400             | 184,220             | 143,960             |
| KASHUNAMIUT      | 193,200             | 219,600             | 227,400             | 160,200             | 279,600             | 206,180             | 254,980             |
| KENAI            | 4,817,400           | 5,124,000           | 5,530,800           | 5,901,000           | 7,223,400           | 7,190,680           | 7,217,520           |
| KETCHIKAN        | 1,582,800           | 1,759,200           | 1,612,800           | 1,701,000           | 1,681,200           | 1,687,260           | 1,414,590           |
| KLAWOCK          | 127,800             | 168,600             | 162,000             | 193,800             | 192,000             | 235,460             | 225,090             |
| KODIAK           | 1,791,600           | 1,702,200           | 1,688,400           | 1,690,200           | 1,890,600           | 2,081,930           | 2,050,820           |
| KUSPUK           | 382,800             | 476,400             | 441,000             | 539,400             | 603,000             | 626,470             | 527,650             |
| LAKE AND PENN.   | 324,600             | 312,000             | 448,800             | 390,600             | 320,400             | 469,700             | 541,680             |
| LOWER KUSKOKWIM  | 2,716,200           | 2,529,600           | 2,872,200           | 3,069,600           | 3,303,000           | 3,484,930           | 3,311,690           |
| LOWER YUKON      | 1,194,000           | 1,148,400           | 1,240,800           | 1,497,000           | 1,833,000           | 1,547,570           | 1,463,390           |
| MATSU            | 4,483,800           | 4,918,200           | 5,263,200           | 6,286,200           | 7,046,400           | 7,688,440           | 8,312,470           |
| NENANA           | 210,000             | 153,600             | 135,600             | 129,000             | 147,600             | 164,700             | 117,730             |
| NOME             | 532,800             | 640,800             | 532,200             | 719,400             | 830,400             | 880,230             | 828,990             |
| NORTH SLOPE      | 622,800             | 648,000             | 692,400             | 763,800             | 703,800             | 817,400             | 971,120             |
| NORTHWEST ARCTIC | 1,420,800           | 1,783,800           | 1,839,000           | 1,821,600           | 2,157,000           | 1,637,850           | 1,888,560           |
| PELICAN          | 64,800              | 64,800              | 64,800              | 70,800              | 64,800              | 65,880              | 65,880              |
| PETERSBURG       | 469,200             | 419,400             | 462,600             | 471,000             | 442,800             | 421,510             | 428,220             |
| PRIBILOF         | 142,800             | 162,000             | 171,000             | 193,200             | 160,200             | 177,510             | 171,410             |
| SITKA            | 1,012,800           | 1,101,000           | 882,000             | 1,071,000           | 946,200             | 957,700             | 929,030             |
| SKAGWAY          | 63,000              | 80,400              | 77,400              | 73,200              | 91,800              | 78,690              | 94,500              |
| SOUTHEAST        | 283,800             | 288,000             | 354,000             | 379,800             | 328,200             | 358,070             | 394,670             |
| SOUTHWEST        | 403,200             | 393,600             | 402,600             | 490,200             | 496,200             | 441,030             | 396,500             |
| ST MARY'S        | 160,200             | 144,600             | 154,200             | 150,600             | 138,000             | 156,160             | 96,990              |
| TANANA           | 78,000              | 78,000              | 78,000              | 103,200             | 99,600              | 95,160              | 87,840              |
| UNALASKA         | 92,400              | 147,000             | 138,000             | 166,200             | 164,400             | 193,980             | 214,720             |
| VALDEZ           | 250,800             | 317,400             | 326,400             | 399,000             | 347,400             | 589,870             | 622,200             |
| WRANGELL         | 349,200             | 450,600             | 570,000             | 493,200             | 515,400             | 348,310             | 437,370             |
| YAKUTAT          | 66,600              | 75,600              | 64,800              | 78,000              | 105,600             | 159,210             | 154,940             |
| YUKON FLATS      | 348,000             | 400,200             | 453,000             | 369,000             | 336,600             | 333,060             | 420,290             |
| YUKON/KOYUKUK    | 513,000             | 524,400             | 652,800             | 707,400             | 863,400             | 822,890             | 968,070             |
| YUPIIT           | 370,800             | 423,000             | 397,800             | 379,200             | 508,200             | 417,240             | 558,150             |
| <b>TOTALS</b>    | <b>\$69,721,800</b> | <b>\$73,336,800</b> | <b>\$75,181,200</b> | <b>\$80,130,600</b> | <b>\$89,073,600</b> | <b>\$97,172,390</b> | <b>\$98,340,540</b> |

## Pilot Project for Special Education Services

- School districts must identify and count students (according to AS 14.07.045) to receive special education funding.
- Funds generated for special education students need not be spent on special education services.
- The number of students identified for special education is increasing each year. In some instances, districts may label students as special needs students unnecessarily.
- The result is contrary to the most current research, which speaks to inclusion of children in the regular educational program to the maximum extent appropriate.
- An alternative approach should be encouraged. This amendment would authorize a pilot project for four school districts. The pilot project would not exceed three years.
- The Commissioner of the Department of Education would need to find that the project is in the best interests of the students and the state.
- The project would comply with the requirements of federal law, including the Individuals with Disabilities Education Act (IDEA).
- The pilot project would
  - cap the percentage of resource and self-contained students at the district's current level.
  - allow greater flexibility in serving students in the regular educational program.
  - remove the incentive for identifying and labeling students.
- Establishing a pilot program will not cost the state additional revenue. Based on previous trends, the caps will reduce the eligibility for state aid that would otherwise have been requested by a district.

## Fiscal Impact - Proposed Amendment to CSSB312 (HESS)

The Public School Foundation Program provides state aid in support of kindergarten through twelfth grade public education. In addition, the foundation program provides supplementary units for students with special needs. Supplementary units are provided for special education, bilingual education and vocational education. The fastest growing component of the foundation program is special education. From 1988 through 1993, special education units increased an average of 6.6% a year. Typically, special education units increase by about 150% of the increase in K-12 units. The special education unit increase has been as high as 200% of the K-12 unit increase.

Establishing a pilot program which provides for special education service alternatives, while capping the percentage of students identified in certain special education service categories will not cost the state additional revenue. Based on previous trends, the caps will reduce the eligibility for state aid that would otherwise have been requested by a district. The results of the pilot(s) should establish the value of duplicating the special education service alternatives in other districts, providing for an even greater savings.

**ALASKA SCHOOL ACTIVITIES ASSOCIATION**  
Prepared by the Department of Education

**Subject**

Repeal of the statutes creating the Alaska School Activities Association (ASAA) (AS 14.07.058) and the Alaska School Activities Fund within the State general fund (AS 14.07.059).

**Background**

\*The purpose of ASAA is to promote and govern interscholastic activities, such as basketball, swimming, band, football, and wrestling.

\*ASAA was formed in 1956 under a superintendent's advisory commission to the commissioner of education.

\*Twenty years later, in 1976, the Legislature established the ASAA in statute.

\*In 1986, the Legislature removed ASAA from the Department of Education's budget.

\*In January 1987, the organization filed articles of incorporation to become ASAA, Incorporated, a 501C(3) private non-profit corporation.

\*ASAA, Inc. currently raises funds for operations through gate receipts, dues from member districts and corporate donations.

\*The State Board of Education continued to serve as the appeals review body for the Association to hear student appeals for waivers to compete in interscholastic activities, such as basketball, football and swimming.

\*During the past two years, the State Board of Education was named in three court actions involving ASAA, Inc. These actions (two students contesting waiver denials; one student contesting a rule) caused the State to expend resources to defend in court the rules and regulations of a non-profit corporation over which the State has no oversight or authority.

\*In 1994, the Attorney General's Office held that ASAA is no longer operating and that ASAA, Inc. is performing the functions of ASAA. ASAA, Inc. is not part of the apparatus of State government; the statutes creating ASAA and the ASAA Fund are no longer in force.

\*The AG's opinion also held that the State Board of Education had no legal authority over ASAA, Inc. and should not serve as the appeals review body over a private non-profit corporation over which it has no authority.

\*The AG recommended that the statutes relative to ASAA be repealed.

\*Officials of ASAA, Inc. agree with this course of action.

**Recommended Action**

\*The Department of Education supports the repeal of AS 14.07.058-.059.

# MEMORANDUM

State of Alaska  
Department of Law

Honorable Jerry Covey  
Commissioner  
Department of Education

DATE: January 19, 1994

FILE NO.: 663-94-0078

TEL NO.: 465-3603

SUBJECT: ASAA and ASAA, Inc.

*Janice Gregg Levy*

FROM:

Janice Gregg Levy  
Assistant Attorney General  
Human Services Section-Juneau

## INTRODUCTION

You have asked our opinion regarding two organizations -- the Alaska School Activities Association (ASAA) created at AS 14.07.058, and the Alaska School Activities Association, Inc. (ASAA, Inc.), a nonprofit corporation. Specifically, you asked the following questions:

1. Is ASAA, Inc. statutorily the same entity as ASAA?
2. If ASAA, Inc. is a different entity than ASAA, is the state legally responsible for the actions of ASAA, Inc.?
3. Is the Commissioner of Education required to enforce AS 14.07.058 - 14.07.059 in light of the legislature's defunding of ASAA?
4. If ASAA, Inc. is not the same entity as ASAA, is it appropriate, in light of the potential legal liability and other unbudgeted financial commitment of the state, for the State Board to serve as the ASAA, Inc. Appeals Review Commission?

The short answers to your questions are that ASAA and ASAA, Inc. are distinct legal entities; the state should not be liable for the acts of a nonprofit corporation, but the present arrangement may make the state vulnerable to claims; the commissioner need not on his own attempt to revive ASAA; and the State Board of Education should refrain from serving as the Appeals Review Commission for ASAA, Inc.

## DISCUSSION

1. Is ASAA, Inc. statutorily the same entity as ASAA?

The answer to this question is no. ASAA, Inc. is a nonprofit corporation, created by individuals, not the state. It

was certified as a nonprofit corporation on April 21, 1986, in accordance with the corporate laws of Alaska, AS 10.20. In contrast, ASAA was created by the legislature in 1976 at AS 14.07.058.<sup>1</sup> Although they share similar names and were created to perform similar functions, ASAA and ASAA, Inc. are legally two distinct entities. ASAA is within state government, while ASAA, Inc. is a private, nongovernmental, nonprofit corporation.

The relationship between the two organizations is, as you indicate, an unusual one. At the time that ASAA, Inc. filed its articles of incorporation, its executive director and Board of Control were the executive secretary and Board of Control of the statutory ASAA.<sup>2</sup> Thus, at the time of the formation of ASAA, Inc., the two entities had the same functions, the same personnel, and a similar name. Additionally, ASAA, Inc. used the constitution and bylaws of ASAA. The corporation revised those documents to add "Inc." wherever "ASAA" was referenced, and added some administrative policies to what had been the ASAA handbook.<sup>3</sup> Additionally, it is possible that some member schools believed that ASAA (the statutory entity) had simply incorporated, and that it continued to be within the Department of Education. Despite the

---

<sup>1</sup> The purpose and structure of ASAA are described in statute. A board of control is to be elected from regions in the state, and, in consultation with the department, is to hire an executive secretary. AS 14.07.058(d)-(e). The department is to approve the association's constitution and bylaws to ensure equitable treatment. AS 14.07.058(g). Additionally, the legislature established a fund within the general fund to receive deposits of ASAA fees, including membership fees and activity and events fees collected by the association. AS 14.07.059.

<sup>2</sup> Tom Wagner, then Assistant Attorney General advising the department, has pointed out that there is an inherent conflict of interest in a state employee acting as head of a nonprofit corporation whose purposes are substantially the same as the statutory program he was hired to implement. See 1983 Inf. Op. Att'y Gen. at 7 (Jan. 6; 663-86-0418). See also the January 12, 1987 memorandum from Tom Wagner to Acting Attorney General Ron Lorensen.

<sup>3</sup> These changes were not approved by the Board of Education, and do not amend ASAA's constitution and bylaws. Thus, at the present time there exists a constitution and bylaws for ASAA, Inc. and a constitution and bylaws for ASAA. They are similar, but not identical.

overlapping functions and players, however, ASAA and ASAA, Inc. are distinct legal entities.

2. If ASAA, Inc. is a different entity than ASAA, is the state legally responsible for the actions of ASAA, Inc.?

The state should not be liable for the actions of a nonpublic corporation. Although ASAA, Inc. performs functions that serve a public interest (as do many nonprofit corporations), it is not a public entity. The interaction between the two organizations over the last six years, however, has blurred what would otherwise be a bright line legally separating these two organizations.

The most obvious way in which the two organizations have remained intertwined is that the State Board of Education has continued to sit as the Appeals Review Commission for eligibility determinations made by ASAA, Inc.'s Board of Control. This action gives the appearance that the state remains connected to ASAA, Inc., or that ASAA, Inc. is in some way within the Department of Education. A party with a claim against the corporation may well exploit that connection in an attempt to hold the state liable for the corporation's acts. Whether the state would succeed in avoiding liability would probably depend on the nature of the claim. It is in the state's best interests to take steps to avoid exposing itself to liability for acts of a nonstate entity over which it has no control.

3. Is the Commissioner of Education required to enforce AS 14.07.058 - 14.07.059 in light of the legislature's defunding of ASAA?

In our opinion, the commissioner need not attempt to administer an association which has no members and no budget. Although ASAA continues to exist in statute, its vitality depends on the participation of member schools who join by submitting an application and paying dues. There are no current members of ASAA. Those schools who once belonged to ASAA have now become members of and pay dues to ASAA, Inc. We agree with the 1988 opinion of Tom Wagner that the legislature's defunding of the ASAA budget did not operate to repeal ASAA from statute. 1988 Inf. Op. Att'y Gen. at 6 (Jan. 6; 663-86-0418). The statutory creature continues to exist, but it is in a state of hibernation. Your question, as I understand it, is whether the department is obliged to wake it up. In our opinion, it is not.

First, the legislature's defunding of the program suggests that it understood and approved of the corporation taking

over what had heretofore been a governmental function. ASAA, Inc. has governed interscholastic activities in Alaska since 1987. The Department of Education has not sought funding from the legislature for ASAA since that time. In our opinion the Department of Education is not obliged to needlessly spend time attempting to administer a program for the benefit of schools who have all joined another organization. It is unlikely that the legislature intended such a result.

Second, the language of the statute describes a whole scheme that contemplates an active membership. The only real department mandate set out in AS 14.07.058 is that the department shall make applications available to schools in the state. AS 14.07.059 requires the commissioner and the department to handle the ASAA budget in a certain manner. The department cannot carry out these duties in a vacuum. No schools have requested application or membership in ASAA, and there are no program receipts and no active association seeking a budget. The statutes do not require the department to actively solicit membership in ASAA. For these reasons, we do not believe that the department fails to perform its statutory obligations by refraining from attempting to revive ASAA. If the legislature does not approve of the manner in which interscholastic activities are governed, and desires the direct governance of those activities by the Department of Education, it is free to breathe life into ASAA by funding it again.

4. If ASAA, Inc. is not the same entity as ASAA, is it appropriate, in light of the potential legal liability and other unbudgeted financial commitment of the state, for the State Board to serve as the ASAA, Inc. Appeals Review Commission?

We believe the answer to this question is no. As described above, it is the intertwining of these distinct legal entities that exposes the state to liability for the acts of a nonstate corporation. In the past year, the Department of Education has expended significant legal fees defending in court decisions first made by a nonprofit corporation over which it exercises no control. This arrangement results in an inappropriate expense for the state, and unnecessary exposure for greater liability.

Additionally, the Board of Education simply has no statutory authority for hearing appeals from a nongovernmental corporation. That it has done so over the years may be the result of a misunderstanding by the Board of Education of an earlier attorney general opinion. Ed Nash (originally Executive Secretary

Honorable Jerry Covey  
Commissioner, Department of Education  
663-94-0078

January 19, 1994  
Page 5

for ASAA and then Executive Director for ASAA, Inc.) asked the Board of Education in 1987 if it would consider being the final appeal step in an appeal that began before ASAA, Inc. incorporated. He suggested that ASAA, Inc. and the Board of Education could consider having the Board continue in its appellate capacity, depending on the advice of the parties' counsel.

The Board of Education apparently asked its attorney whether it should continue to hear appeals. A 1988 memo from Tom Wagner stated in relevant part:

We conclude that ASAA still exists as a legal entity within the Department of Education, that its board of control is still responsible for making eligibility decisions in accordance with its bylaws approved under 4 AAC 06.111, and that the state board still acts as an appeal body under those bylaws.

1988 Inf. Op. Att'y Gen. at 1 (Jan. 6; 663-86-0418). This view, with which we agree, states that the State Board continues to sit as the appeals body for the ASAA Board of Control. This is to be distinguished from the ASAA, Inc. Board of Control. The Board of Education may have misunderstood his advice to be that it should continue to hear any appeals that came to it. The appeals have come from the ASAA, Inc. Board of Control, not the statutorily created ASAA Board of Control. Thus, in our view the Board of Education has been improperly hearing appeals from a nonstate entity's board. The procedure should not continue.

It would be appropriate to inform ASAA, Inc. and its member schools in writing that the Board of Education will no longer hear the appeals of decisions of the ASAA, Inc. Board of Control. That body may wish to set up another appeals procedure.

#### CONCLUSION

In conclusion, the concerns you raise are serious. ASAA, Inc. is not the same entity as ASAA, and the Board of Education acts beyond the scope of its statutory authority when it sits as an appeals body for the nonprofit corporation. Besides acting outside the scope of its authority, it unnecessarily entangles itself with the corporation, possibly exposing the department to liability for the acts of the corporation.

In our opinion it would be appropriate for the Board of Education to notify the corporation and its member schools that it will no longer sit as the Appeals Review Commission for the

Honorable Jerry Covey  
Commissioner, Department of Education  
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Page 6

corporation. The notice should explain that the corporation is a legal entity distinct from the statutory ASAA, and that ASAA, Inc. is not within the state apparatus. Although the statutes related to the Alaska School Activities Association will continue to exist, they will simply be in disuse. The legislature may choose at some point to repeal them, or alternatively may one day revive them by funding the program and requiring membership within the statutory association.

I hope this answers the questions you raised concerning ASAA and ASAA, Inc. Please do not hesitate to contact me if I can be of further assistance.

JGL/bap

Attachments

cc: Harry Gamble ✓

BILL: SB 312 SHORT TITLE: SCHOOL CONSTRUCTION GRANT REVIEW  
BILL VERSION: CSSB 312(HES) AM  
SPONSOR(S): FINANCE

CURRENT STATUS: (H) HES STATUS DATE: 04/14/94  
THEN FIN

HEARING: (H) HES APR 19 03:00 PM

TITLE: "AN ACT RELATING TO THE SCHOOL TERM, SCHOOL CONSTRUCTION GRANTS AND TO INTERSCHOLASTIC SCHOOL ACTIVITIES; RELATIVE TO A PILOT PROJECT FOR STATE AID FOR SPECIAL EDUCATION; AND PROVIDING FOR AN EFFECTIVE DATE."

|          |      |     |  |
|----------|------|-----|--|
| 02/14/94 | 2830 | (S) | READ THE FIRST TIME - REFERRAL(S)        |
| 02/14/94 | 2830 | (S) | HES, FIN                                 |
| 03/18/94 | 3265 | (S) | HES RPT CS 4DP 3NR NEW TITLE             |
| 03/18/94 | 3265 | (S) | ZERO FN TO SR & CS (DOE)                 |
| 04/05/94 | 3445 | (S) | FIN RPT 2DP 2DNP 1NR (HES)CS             |
| 04/05/94 | 3446 | (S) | PREVIOUS ZERO FN (DOE)                   |
| 04/08/94 | 3526 | (S) | RULES TO CALENDAR 4/8/94                 |
| 04/08/94 | 3528 | (S) | READ THE SECOND TIME                     |
| 04/08/94 | 3528 | (S) | HES CS ADOPTED UNAN CONSENT              |
| 04/08/94 | 3528 | (S) | ADVANCED TO THIRD READING UNAN CONSENT   |
| 04/08/94 | 3528 | (S) | READ THE THIRD TIME CSSB 312(HES)        |
| 04/08/94 | 3528 | (S) | PASSED Y16 N1 E2 A1                      |
| 04/08/94 | 3529 | (S) | EFFECTIVE DATE SAME AS PASSAGE           |
| 04/08/94 | 3529 | (S) | ADAMS NOTICE OF RECONSIDERATION          |
| 04/11/94 | 3566 | (S) | RECON TAKEN UP - IN THIRD READING        |
| 04/11/94 | 3566 | (S) | HELD ON RECONSIDERATION TO 4/12 CALENDAR |
| 04/12/94 | 3605 | (S) | IN THIRD READING ON RECONSIDERATION      |
| 04/12/94 | 3605 | (S) | RETURN TO SECOND FOR AM 2 UNAN CONSENT   |
| 04/12/94 | 3606 | (S) | AM NO 2 MOVED BY LITTLE & PEARCE         |
| 04/12/94 | 3606 | (S) | AM NO 2 ADOPTED UNAN CONSENT             |
| 04/12/94 | 3606 | (S) | AUTOMATICALLY IN THIRD READING           |
| 04/12/94 | 3606 | (S) | MOTION TO RETURN TO 2ND FOR AM #1        |
| 04/12/94 | 3607 | (S) | HELD ON RECON IN 3RD RDG TO 4/13 CAL     |
| 04/13/94 | 3642 | (S) | MOTION TO RETURN TO 2ND WITHDRAWN        |
| 04/13/94 | 3642 | (S) | RETURN TO 2ND FOR AM #3 ADPT Y11 N9      |
| 04/13/94 | 3643 | (S) | AM NO 3 MOVED BY LINCOLN                 |
| 04/13/94 | 3643 | (S) | AM NO 3 FAILED Y9 N11                    |
| 04/13/94 | 3643 | (S) | AUTOMATICALLY IN THIRD READING           |
| 04/13/94 | 3644 | (S) | AM NO 4 NOT OFFERED                      |
| 04/13/94 | 3644 | (S) | RETURN TO SECOND FOR AM 5 UNAN CONSENT   |
| 04/13/94 | 3645 | (S) | AM NO 5 MOVED BY LITTLE & LEMAN          |
| 04/13/94 | 3645 | (S) | AM TO AM 5 MOVED BY TAYLOR               |
| 04/13/94 | 3646 | (S) | AM TO AM 5 ADOPTED Y11 N9                |
| 04/13/94 | 3646 | (S) | AM NO 5 AS AM ADOPTED Y13 N7             |
| 04/13/94 | 3647 | (S) | AUTOMATICALLY IN THIRD READING           |
| 04/13/94 | 3647 | (S) | PASSED ON RECONSIDERATION Y12 N8         |
| 04/13/94 | 3647 | (S) | EFFECTIVE DATE PASSED Y18 N2             |
| 04/13/94 | 3651 | (S) | TRANSMITTED TO (H)                       |
| 04/14/94 | 3423 | (H) | READ THE FIRST TIME - REFERRAL(S)        |
| 04/14/94 | 3423 | (H) | HES, FINANCE                             |

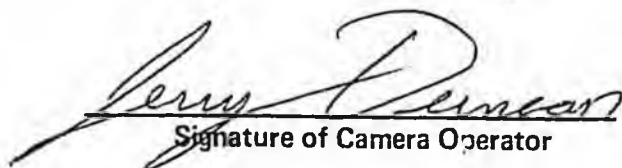
SENATE ACTION

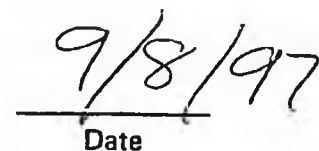


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

Confirmation:

1993 Select

Comm. on

Leg. Ethics

2/3/93

APGAR, RUTH

CURRY, JACK P.

WILSON, RODMAN

MACNEILLE, MARGIE

THOMAS, NIEL



# Alaska State Legislature

Official Business

## MEMORANDUM

State Capitol  
Juneau, AK 99801-1182

DATE: February 3, 1993

TO: Members, Senate Judiciary Committee  
Members, House Judiciary Committee

FROM: Eric Musser, Legislative Assistant

THRU: Senator Robin Taylor, Chair, Senate Judiciary  
Representative Brian Porter, Chair, House Judiciary *RT*

RE: Staff Review of Public Nominees to the Select Committee on  
Legislative Ethics *13*

=====

### I. Ruth Apgar

Ruth Apgar is a state employee with the Division of Family and Youth Services. Contact with to the Department of Health and Social Services has indicated that she is a General Government Unit member (ASEA).

Division of Election records indicate that Ruth Apgar registered as a Republican on January 7, 1992. Election records further indicate that she participated in the 1990 primary and general elections as well as the 1992 primary and general election. Prior to January 7, 1992, election records indicate Ms. Apgar was registered as a Democrat. A copy of her 1984 voter registration card is in the file.

The *Anchorage Daily News*, 1/14/93 edition, printed an article which raised the question of her and her husband's involvement in walrus ivory smuggling in 1980. According to the story, Ruth was not prosecuted after she agreed to testify for the government. The article quoted Ruth as saying "I had a feeling we were not on the up-and-up in what we were doing". The article further indicated that the ivory case is irrelevant to her nomination because she was never found guilty. The article then quoted her as saying "I took a course in ethics and the law through U of A, so I know a little bit about ethics." She concluded by saying "there was no way under the sun that this had anything to do with ethics whatsoever."

Ruth was quoted in the *Juneau Empire*, January 19, 1993 edition as saying that the lack of Senate appointees to the panel is unfortunate "because it looks as if things are moving beyond us that need attention." She conclude by saying "If he in fact was using police and troopers for personal reasons, and I

don't think we know if it was personal or not, then we might want to do some investigating."

Since the initial article in the *Daily News*, a couple of letters to the editor have appeared (copies in file) and we have received a copy of a page cut of a book titled "GAME WARS", written about the Fish & Wildlife Protection Agencies pursuit of poachers. Within the article is a reference to the Apgar's and their dealings with illegal ivory.

Additionally, in your file is a letter received from a Ms. Sally McClellan, regarding Apgar.

On Monday, February 1, 1993, the Department of Public Safety completed a routine criminal background check using the NCIC computer system. No criminal history was reported.

## II. Jack P. Curry

Review of his credentials indicates that Jack Curry moved to Juneau, Alaska sometime in 1991 when he accepted a teaching position with the University of Alaska Southeast.

Division of Election records indicate that Jack Curry registered to vote as a Republican in the State of Alaska on October 10, 1992, for the first time. Several attempts were made to check voter registration/history with the State of Washington, Division of Election Services, in Olympia, Seattle, and Tacoma. No record of voter participation was found.

Following negative results from Washington, Jack was contacted and he advised that he "had not registered or participated in the election process in the past 10 to 12 years while living in Washington.

Curry is a full-time Associate Professor at the University of Alaska Southeast. The legislature provides necessary funding for University programs.

Upon review of his application, Jack Curry appears to be an average citizen with a background in ethical standards as they relate to the banking industry.

On Monday, February 1, 1993, the Department of Public Safety completed a routine criminal background check using the NCIC computer system. No criminal history was reported.

## III. Rodman Wilson

In his letter accompanying the application, Rod Wilson indicated that he helped APOC critique a proposal on legislative ethics that came before the

legislature in 1990. He further stated that he "gained" familiarity with the way the legislature works and the way legislator's behave.

Election records indicate Rod Wilson has been registered as a Democrat since June 6, 1975. He has participated in the election process at least since 1984 and has been a candidate for public office twice, in 1988 and 1990.

Dr. Wilson has served on the board of the Alaska Public Offices Commission and was prior to that the Public Health Director in Anchorage, under Mayor Tony Knowles.

Communications with staff at the APOC indicate that Rod was an exemplary member who was able to form un-biased opinions and served in his position well.

Records at APOC do not show a written critique of any legislative ethics proposal. Dr. Wilson was contacted and he advised that he wasn't sure if any critique was every signed and mailed, but that he would check his file.

In the January 19, 1993 edition of the *Juneau Empire*, he was quoted as saying "This type of conduct, if it's true what I read in the paper, broadly would come under scope of this thing,"... "It's incorrect to try to get in someone's room and doubly incorrect to try and get law enforcement to do it. That's my initial assessment".

On Monday, February 1, 1993, the Department of Public Safety completed a routine criminal background check using the NCIC computer system. No criminal history was reported.

#### IV. Margie MacNeille

Margie MacNeille was a member a member of the Legislative Ethics Committee which was in place prior to January 1, 1993. She had served on that Committee for 4 years.

Division of Elections records indicate she registered to vote on June 6, 1975 and participated in the election process, at least since 1984.

Ethics Committee records indicate that Margie participated in the rendering of 4 advisory opinions during the 16th Legislature. The opinions rendered dealt with:

1. Disclosure of travel and hospitality gifts from entities other than individuals.
2. Reporting representation by other attorneys in a law firm.
3. Propriety of accepting gift for service to corporation.

4. Disclosure of travel and hospitality paid for by the executive branch of state government.

As of this writing, we have not had the opportunity to review any advisory opinions, if any, from the 17th Legislature.

On Monday, February 1, 1993, the Department of Public Safety completed a routine criminal background check using the NCIC computer system. No criminal history was reported.

V. **Niel (Daniel D.) Thomas**

Division of Election records indicate that Niel initially registered to vote in Alaska on July 22, 1975 under the affiliation of Undeclared. On August 24, 1986, he changed his mailing address and party registration to Democrat. On August 13, 1992, Division of Elections records indicate Niel changed his address and Party affiliation back to Undeclared.

Upon review of his application packet, it was observed that he has written an article how ethics can complicate real estate transactions. On the surface, nothing appears to indicate a particular bias or leaning of one sort or another.

On Monday, February 1, 1993, the Department of Public Safety completed a routine criminal background check using the NCIC computer system. No criminal history was reported.

NOV 16 1992

# Application to Serve as a Public Member of the Select Committee on Legislative Ethics

Please complete this form and send it along with your resume and a brief cover letter to Rep. Finkelstein at 3111 "C" St., suite 465, Anchorage, AK 99503. The cover letter should explain why you want to be a member of the Select Committee on Legislative Ethics, and what skills and experiences you can contribute to the Committee. **Your application must be received on or before Monday, November 16, 1992.**

Name: Ruth Apgar

Mailing Address: P. O. Box 597  
Kotzebue, Alaska 99752

Residence Address: 1021 Caribou St.  
Kotzebue, Alaska 99752

Home Phone: (907) 442-3028 Daytime Phone: (907) 442-3226

Political Party Affiliation Republican  
(write "independent" or "undeclared" if you are not a member of a party)

Are you a former legislator? NO

Are you an employee of the legislative branch, an officer of a political party, a candidate for public office, a registered lobbyist, or a public official who is required to submit annual conflict of interest forms to the Alaska Public Offices Commission? NO  
(If you fit one of these categories, you may not serve on the Ethics Committee)

Do you understand that, if you become a public member of the Ethics Committee, your personal political activities will be limited and you will be subject to the conduct and financial disclosure requirements of the legislative ethics law? YES

*Thank you for your willingness to serve on the Select Committee on Legislative Ethics*

November 14, 1992

Representative Finkelstein  
311 "C" Street  
Suite 465  
Anchorage, AK 99503

Dear Representative Finkelstein:

This letter accompanies my resume and application for the position of Public Member to the Select Committee on Legislative Ethics.

I have always had an interest in our governmental process/arena, but to date, have not found opportunity to become involved. Your notice of invitation to serve on this Select Committee on Legislative Ethics strikes me as the "opportunity" and a niche where I am certain I have the expertise to serve. Briefly, I will list skills, experience and expertise I would bring as a member of this Committee.

I am a Social Worker III in Childrens Protective Services and maintain a two - person office: my secretary and myself, with D.F.Y.S. in Kotzebue. In this position I represent myself as council in court on numerous occasions. I am familiar with statutes, and am able to cite them to a court in order to defend my allegations/position and am very familiar with the investigative process as it demands approximately 50% of my time in this position.

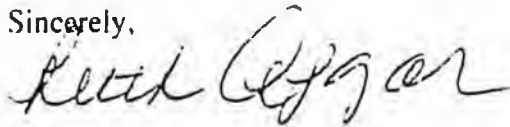
In 1990 I was appointed by former A.S.E.A. Union President, Paul De Sloover, to serve on the A.S.E.A. Judicial Panel. This appointment requires skills in interpreting the constitution, conducting hearings, and making "findings". I fulfilled these requirements during my appointment by chairing hearings, writing responses to complaints as well as made "findings" of hearings.

I am very much a team player. I have served on the local school board for one term, have been involved with numerous community committees i.e. President of Skagway Chamber of Commerce, 1982; founder of Skagway Toastmasters Club, 1981; co-founder/President Kotzebue Toastmasters Club, 1984; Member of California Probation, Parol and Correctional Association, 1963 - 1966 and have attended "staffings" for the past ten years.

I am enclosing several letters of reference. Although these letters are addressed to other individuals/agencies, I believe they accurately reflect the abilities and expertise I would bring to the Select Committee on Legislative Ethics as a Public Member.

I look forward to hearing from you and thank you in advance for your consideration for this position!

Sincerely,



Ruth Apgar

R U T H A P G A R  
P . O . B o x 5 9 7  
Kotzebue, AK 99752

(907) 442-3226 day  
(907) 442-3028 evenings  
Message # for week of November 21-29, 1992  
(509) 967-5308

**E D U C A T I O N :** Northwest College, 1961 - 1962 Kirkland, Washington.

**Bethany College.** B.S. in Religious Education 1963 - 1966  
Santa Cruz, California.

**University of Alaska - Juneau**  
**Universtiy of Alaska - Fairbanks**  
B.S. in Education 1971 - 1989.

**WORK EXPERIENCE:** **Social Worker.** *State of Alaska.* 1985 to Present. Responsible for the operation of the Kotzebue office of the Division of Family and Youth Services. As the only Social Worker in the region, I conduct investigations of the reports of "abuse and neglect" to children. I write court reports, compose and file petitions to the court and *most of the time serve as my own council in court hearings.*

**Professional Peer Trainer.** *D.F.Y.S.,* 1990 - 1991 Responsible to provide training to various D.F.Y.S. offices in the State of Alaska for Core 101. This position was accomplished in addition to my regular social work mandates.

**Treatment Coordinator/Specialist.** *Maniilaq Association.* 1983 - 1985 Responsible for the supervision of counselors and village coordinators. Supervised case workers regarding case management, maintenance of client files, which necessitated passing the scrutiny of State auditors for certification purposes. Conducted the "staffing" of case files with counselors. Served as liason with the court system for the Alcohol Safety Action Program and provided the mandated training on a regular basis.

**Author/Trainer.** 1981 - 1983 Authored an eight hour seminar on teacher training which I presented in various communities in Alaska.

**Owner/Manager.** *Golden North Hotel/Restaurant/Gift Shop.* 1979 - 1981

**Postal Clerk.** *Skagway Post Office.* 1975 - 1979

**Substitute Teacher.** *Skagway High School/ Elementary School.* 1967 - 1975

**Supervisor.** *Santa Cruz Juvenile Hall.* 1963 - 1966

**Secretary.** *Lockhead Aerospace Corporation, Sunnyvale, CA.* 1962 - 1963

**Secretary.** *Northwest College.* 1961 - 1962

**Secretary.** *General Electric Corporation, Richland, WA.* 1956 - 1961

**PERSONAL DATA:** D.O.B.: March 6, 1938  
Married: 26 years  
Three children  
*Alaskan resident for 23 years*

**CERTIFICATIONS:** Alcohol Counselor I  
Alaska Elementary Teacher Certificate

**REFERENCES:** James Farr  
Former Magistrate of Kotzebue, Alaska  
(907) 561-7020

Terry Tafs  
Anchorage International Airport Security  
(907) 266-1415 work  
(907) 248-2164 home

Marsha Martin  
Guardian Ad Litem  
(907) 442-3270



RECEIVED

JUN 29 1992

Family & Youth Services  
Kotzebue

**Trial Courts**

State of Alaska

SECOND JUDICIAL DISTRICT

P. O. BOX 317

KOTZEBUE, ALASKA

99752 0317

JAMES A. FARR  
Magistrate

907.442.3208

June 23, 1992

Mrs. Ruth Apgar  
Social Worker  
State of Alaska  
Division of Family and Youth Services  
P. O. box 370  
Kotzebue, AK 99752

Dear Ruth:

I just wanted to drop you a brief note to say how much I have appreciated your work as a State Social Worker all these years. You have truly gone the extra mile in terms of being on call, weekends, evenings, holidays, and etc. I can't begin to count the times you have handed me petitions at home or in the evenings, when you had been hard at work trying to meet the deadlines required by the Children's Rules and the Indian Child Welfare Act.

I also want to say that I appreciate the fact that you have done your best in a job that is many times a thankless one. I have seen you mercilessly grilled in court on the witness stand before me countless times, yet you have done your job and maintained your composure and grace continuously under the most adverse circumstances. Never once do I remember seeing you say an unkind word to someone in court.

I wish you continued success and happiness in the future.

Sincerely,

James A. Farr

JAF/mt

cc: file

July 12, 1990

Dear Lindy Smith:

I am writing this letter of recommendation in reference to Ruth Apgar's application for the Probation Officer position at Kotzebue.

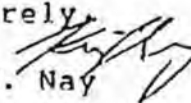
In my capacity as an Alaska State Trooper, I have known Mrs. Apgar and worked with her on numerous DFYS-related cases over the past few years. As a Social Worker for DFYS, many of her cases involved sexual abuse or other types of injury to children, which often required criminal investigation. We have frequently traveled to the villages together in the course of those investigations and I have had many opportunities to observe Mrs. Apgar's skills in conducting interviews of the most difficult type, her ability to establish rapport with people, whether victimized children or hostile adults, and her willingness to accept the adversities of travel to the outlying villages.

I have found Mrs. Apgar to be capable of aggressive pursuit of what is right in carrying out her duties, and I have often seen her take a firm stand toward that end when it would have been easier for her to settle for less satisfactory, albeit acceptable, results. Mrs. Apgar accomplishes those goals without appearing pushy or lacking in objectivity, and maintains a level of courtesy and compassion in dealing with people in unpleasant circumstances.

As a Social Worker, Mrs. Apgar often participates in court proceedings and so has experience with the complexities of the Judicial System which would be of value toward her role as a Probation Officer. I am aware that the duties of a Probation Officer include making recommendations to the court at felony sentencings, and that to do so properly one must understand the sometimes complicated concepts upon which such sentences are calculated. Mrs. Apgar has demonstrated that she is an intelligent woman capable of grasping those concepts.

In summary, I believe that Ruth Apgar possesses the traits of industry, compassion, intellect, and courage, all vital toward performing the duties of Probation Officer, particularly in a remote area such as Kotzebue.

Sincerely,

  
Kim E. Nay

NOATAK  
 NOORVIK  
 KIVALINA  
 KOTZEBUE  
 DEERING  
 BUCKLAND  
 KIANA  
 AMBLER  
 KORIUK  
 SIBTHGNAK  
 SELAWIK

Northwest Arctic School District  
 Box 51  
 Kotzebue, Alaska 99752  
 Phone (907)442-3472

January 23, 1989

Mr. Stephen Wilson  
 Training Coordinator  
 DFYS Staff Training Center  
 1001 Noble St. Suite 370  
 Fairbanks, AK 99701

RECEIVED  
 1/26/89  
 FAMILY & YOUTH SERVICES  
 KOTZEBUE

Dear Mr. Wilson,


I am writing this letter as a recommendation for Ruth Apgar, a DFYS employee here in Kotzebue.

Ruth has made her services readily available to myself and my staff, so I feel that I can make a valid recommendation for her.

As part of my continuing staff training, I have asked Ruth several times to participate in inservice programs, explaining Social Services and how our students participate in them. I have always found her to be friendly, professional and cooperative.

Her presentations have always been well done. She arrives promptly, and comes prepared with necessary materials at hand. Her delivery is good, the topics are covered efficiently, and she answers questions appropriately.

I would certainly recommend Ruth for further involvement in your staff training program. From my experience with her in this capacity I know she would do an excellent job for you.

  
 Larry Yillers  
 Principal  
 Kotzebue Elementary School

Box 311  
Kotzebue, Alaska 99752  
Jan. 18, 1993

Rep. David Finkelstein  
Chairman, Select Committee on Legislative  
State Capital Ethics  
Juneau, Alaska 99801-1132

Dear Sir,

I was shocked to hear that Ruth Apgar was nominated for the ethics committee. I must question her qualifications for this committee.

About two years ago, on several occasions I overheard a woman, apparently a counselor or social worker, discussing her clients and co-workers with others at her table at the Nul luk vik restaurant here in Kotzebue. I later learned that this woman was Ruth Apgar.

I'm a retired teacher. One day, after Ms. Apgar was identified, a student of mine stayed after school and mentioned an abusive situation at her home. I discussed the matter with my principal as I had to do. I asked him to avoid Ms. Apgar. I did not want my student's problem to become restaurant gossip.

Then, last year, another student reported abuse in her home to a fellow teacher. That teacher and I went to our principal since both students had mentioned the same problem with the same adult. The other teacher reported her concern about Ms. Apgar since abuse has to be reported to a social worker.

My fellow teacher, Sandy Kawalski, teaches at Kotzebue Middle School where I taught until my retirement after the 1991-'92 school year.

Mrs. Kawalski was in Anchorage last weekend but I left your name and address in her box at school. I've suggested that she contact you with her concerns about Ruth Apgar.

There are many deserving ethical people in Kotzebue. Ms. Apgar unfortunately is not one of them.

Sincerely,  
Sally McClellan

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS

- Region I Elections Office
- Region II Elections Office
- Region III Elections Office
- Region IV Elections Office

In response to your January 28, 1992 Request for Information regarding the following individuals' public information, as reflected in their voter registration records, the following information is provided to you.

---

**Name:** Ruth Apgar

**Original Registration:** August 24, 1970

**Party Affiliation:** Democrat

**Residence Address:** Box 141  
Skagway, Alaska

**Change of Affiliation:** September 8, 1992  
to Republican

**Address Change:** September 9, 1992

**Residence Address:** 1021 Caribou  
Kotzebue, Alaska 99752

**Mailing Address:** P.O. Box 597  
Kotzebue, Alaska 99752

**Voter History:** 1984 Local and General  
1985 Local  
1986 Primary and General

---

Region I Elections Office  
240 Main Street, 4th floor  
P.O. Box 110018  
Juneau, Alaska 99811-0018  
(907) 465-3021  
A-8 (1/88)

Region II Elections Office  
500 E. Dimond Boulevard, Suite 3-580  
Anchorage, Alaska 99515-2045  
(907) 522-8683

Region III Elections Office  
675 7th Avenue, Station H  
Fairbanks, Alaska 99701-4594  
(907) 451-2835

Region IV Elections Office  
Alaska State Office Building  
P.O. Box 577  
Nome, Alaska 99762-0577  
(907) 443-5285

Information Request  
Page 2

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1987 Local  
1988 General  
1989 No Activity  
1990 Primary and General  
1991 No Activity  
1992 Primary and General

---

I certify that the above information accurately reflects the voter's record.

VOTER'S NAME Aggar — Ruth  
LAST FIRST INITIAL

276490

PREVIOUS NAME (if registered to vote in Alaska under that name) \_\_\_\_\_

FOR OFFICE USE ONLY

22060

VOTER NUMBER 01062371

INITIAL REGISTRATION  CHANGE OF APPLICATION

CHANGE OF ADDRESS  CHANGE OF NAME

FORM 01-3001 (3/82)

ALASKA RESIDENCE ADDRESS House 210  
DO NOT LIST P.O. BOX OR RURAL ROUTE

CITY Kotzebue STATE Alaska

MAILING ADDRESS P.O. 597

CITY Kotzebue STATE Alaska ZIP 99752-

|  |  |  |  |   |  |  |                                     |  |  |
|--|--|--|--|---|--|--|-------------------------------------|--|--|
| SOCIAL SECURITY NUMBER<br><u>535340369</u>   |  |  | PLACE OF BIRTH<br><u>Cleaman, Tx.</u>  | DATE OF BIRTH<br>MO <u>03</u> DAY <u>06</u> YR <u>38</u>  |  |  | DATE OF NATURALIZATION<br>NO DAY YR |  |  |
| HOW LONG HAVE YOU LIVED IN ALASKA?<br>YEARS MONTHS DAYS<br><u>16</u>   |  |  | HOW LONG HAVE YOU LIVED IN THIS ELECTION DISTRICT? (AT CURRENT ADDRESS)<br>YEARS MONTHS DAYS<br><u>1</u> |   |  | SEX:<br><input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE |                                     |  |  |
| IF YOU HAVE EVER BEEN CONVICTED OF A FELONY HAVE YOU BEEN UNCONDITIONALLY DISCHARGED FROM INCARCERATION, PROBATION AND/OR PAROLE?<br>IF SO GIVE DATE.  |  |  |  | OATH: I the undersigned declare that the foregoing facts concerning my qualifications as a voter or a voter changing my address are true. I further declare that I am a citizen of the United States and will be 18 years of age or older within 20 days of the date of registration. |  |  |                                     |  |  |
| POLITICAL AFFILIATION (Circle preference)<br>REPUBLICAN <input type="checkbox"/> DEMOCRAT <input checked="" type="checkbox"/> LIBERTARIAN <input type="checkbox"/> NON-PARTISAN <input type="checkbox"/> OTHER (SPECIFY) _____ |  |  |  | DATE<br><u>04/13/89</u>   |  | SIGNATURE OF VOTER<br><u>Ruth Aggar</u>  |                                     |  |  |
|  |  |  |  | WITNESS   |  | WITNESS OR OFFICIAL<br><u>[Signature]</u>  |                                     |  |  |
|  |  |  |  | TWO WITNESSES OR A QUALIFIED OFFICIAL MUST SIGN   |  | TITLE LOCATION   |                                     |  |  |

changed registration  
to R  
1/17/92

Birthdate -  
State → PIP - confidential  
Div. of Election  
not public

# Ethics panel nominee may be questioned on trafficking charge

By EUGENE AHN  
Daily News reporter

Ruth Apgar, one of five citizens nominated to Alaska's legislative ethics committee, may face questions during confirmation hearings about federal charges she trafficked in illegal walrus ivory in 1980. She was accused of help-

**There was no way under the sun that this has anything to do with ethics whatsoever.**

— Ruth Apgar

ing deliver more than 200 pounds of raw walrus tusks from Alaska to an undercover federal wildlife agent in Louisiana, according to court documents. The resulting criminal charges were dismissed after she

agreed to testify for the government, according to Apgar and the court papers.

Rep. David Finkelstein, D-Anchorage, an ethics committee chairman for the last four years, said Wednesday that Apgar's alleged violation of the Marine Mammal Protection Act merits inquiry, although she was not

convicted of wrongdoing. "The point of this committee is to create confidence with the public," Finkelstein said. "If there's any doubt about any of the nominees, it would reduce that confidence and I'd certainly want to give her the chance to eliminate any doubt that exist."

The U.S. Fish and Wildlife Service also charged her husband, Steve Apgar, and Kurtis (Kev) Kosters, their partner in a pizza venture, according to court documents.

The three were accused of selling illegally harvested walrus tusks. **Page B-1, ETHICS**

## ETHICS: Apgar says case doesn't apply

Continued from Page B-1

walrus tusks. Steve Apgar was convicted and served probation, he said.

Kosters successfully appealed a civil ruling, because the government didn't prove the walrus tusks he sold to a Louisiana ivory dealer working with federal agents were harvested after the law went into effect.

Ruth Apgar told Administrative Law Judge E. Kendall Clarke in a 1983 hearing that she and her husband bought the ivory from hunters on St. Lawrence Island in the Bering Sea, then she helped Kosters deliver it to the dealer in New Orleans.

"I had a feeling we were not on the up-and-up in what we were doing," Ruth Apgar told Clarke, according to transcripts of the hearing in Skagway. "But I had no idea the extent of the crime we were committing at all."

Apgar, 34, was chosen earlier this month to serve on the nine-member panel under new ethics-reform legislation that gives citizens a majority of the committee's seats as well as control of the chair. The committee will be responsible for holding lawmakers to high standards of ethical behavior.

The ivory case is irrelevant to her nomination, Apgar

said, because she was never found guilty.

"That was totally dismissed," she said in a telephone interview this week from Kotzebue, where she works as a state child abuse investigator.

"I took a course in ethics and the law through U of A, so I know a little bit about ethics," Apgar said. "There was no way under the sun that this has anything to do with ethics whatsoever."

Her husband, Steve, added, "She never did anything, I did."

Sen. Al Adams, a Democrat who represents the Kotzebue area, didn't know about the case but didn't think it mattered, said one of his aides, Martha Stewart.

"He doesn't know Ruth well, he knows who she is, he has no problem with her being on the ethics commission," Stewart said. "The senator is one for not holding things like that against people's characters forever."

Apgar said the case never struck her as something worth bringing up on her application. Applicants to the ethics panel were not asked to report non-political activities that may be subjected to ethical scrutiny, Finkelstein said.

"That wasn't a question on the application," Apgar

said. "As far as I'm concerned, there was no problem."

Alaska Supreme Court Chief Justice Daniel Moore picked Apgar and four others out of 84 citizens who applied to serve on the panel. Moore didn't return a call Wednesday asking for comment on the criteria he used to pick the nominees.

Finkelstein said he will ask Apgar for an explanation if he is allowed to participate in her confirmation hearing.

The ethics panel that he headed no longer exists, so the job of holding confirmation hearings will go to another committee. House Speaker Ramonn Barnes hasn't yet made the assignment and won't do so until later this week, according to her office.

Handwritten notes: AHN, 1/11/93, memo, BI



PHOTO BY JACQUELINE CAMPBELL

**Sen. George Jacko, D-Pedro Bay:** Two senators are calling for the investigation of a weekend incident in which Jacko called police while trying to enter the motel room of a female legislative aide.

## Eye of the storm: Jacko flap has lawmakers talking politics

By TIM HUBER  
and DIRK MILLER

THE JUNEAU EMPIRE

Senators fumbled today when passed the ball in determining their role in a possible investigation into Sen. George Jacko's weekend attempt to gain entry to the hotel room of a female legislative aide.

Senators went into closed-door caucuses this morning after the majority and minority could not agree on appointments to the Ethics Committee, which could be called on to investigate Jacko's conduct.

At least two senators have said they want an investigation into the incident.

In addition to calling police for assistance in gaining access to the woman's room Saturday morning, Jacko asked the desk clerk at the Driftwood Lodge for a key.

Jacko and the woman were guests at the Willoughby Avenue motel.

The Pedro Bay Democrat also pounded on the aide's door repeatedly and called her room in the early-morning hours, said Lucy Perreard, who was working the front desk.

Though the police incident report says Jacko said he needed to talk with the woman on official legislative business, the senator has denied that report. The Empire has requested from Juneau police a copy of the taped phone calls from Jacko.

Though no complaint has yet been filed with the Ethics Committee, the panel could instigate its own investigation.

Senate Democrats today said they want Sen. Suzanne Little, D-Soldotna, as their member on the panel, but Senate President Rick Halford, R-Chugiak, bypassed the

minority's recommendation and asked for Sens. Jay Kerttula and Mike Miller.

Kerttula, a Palmer Democrat, is a member of the minority; Miller, a North Pole Republican, belongs to the GOP-controlled majority. Jacko was the lone Democrat to defect to the GOP majority coalition, giving them control of the Senate.

Jacko was trying to gain entry to the room of an aide to Little, and Halford said that connection concerns him in Little's appointment to the panel that could investigate Jacko.

The legislative aide declined comment today.

Jacko has declined to discuss the incident further.

Senate Minority Whip Judy Savo, D-Kenai, said Little had been selected before this weekend's incident.

Please turn to Jacko, Page 8

# Jacko...

8 JUNEAU EMPIRE, TUESDAY, JANUARY 19, 1993

Continued from Page 1

During a break in today's closed-door meetings, Senate Minority Leader Jim Duncan, D-Juneau, said Democrats still want Little.

The legislative ethics law sets up a panel with five public members, plus two from the House and two from the Senate split between the minority and majority in each chamber.

The House panelists are men, and three of the five public members are men. "We feel it is particularly important that there should be gender balance of the ethics committee," Duncan said.

Senate Majority Leader Robin Taylor, R-Wrangell, and Halford said politics are behind the nomination conflict.

"I need to go on the floor and try to figure out how to keep this body from tearing its guts out," Taylor said before the start of today's floor session.

The political process is complicated by the reality that Halford needs a two-thirds majority for confirmation of ethics panel appointments, meaning he needs at least three minority members to go along with his selections.

Salo and Duncan were prepared to speak on the Senate floor this afternoon, calling for an interim committee to investigate the weekend incident.

Four of the five public appointees to the Ethics Committee said today the Jacko situation was the type of incident that would likely fall under the the new ethics law.

"This type of conduct, if it's true what I read in the paper, broadly would come under scope of this thing," said Rodman Wilson of Anchorage. "It's incorrect to try to get in someone's room and doubly incorrect to try and get law enforcement to do it. That's my initial assessment."

The lack of Senate appointees to the panel is unfortunate "because it looks as if things are moving beyond us that need attention," said nominee Ruth Apgar from Kotzebue.

"If he in fact was using police and troopers for personal reasons, and I don't think we know if it was personal or not, then we might want to do some investigating," Apgar said.

Under the rules, only the Senate and public members would sit in judgment on a senator's case. Any penalties would have to be approved by the full Senate.

While the Senate debates its role in the matter, further details of the incident show Jacko's persistence went beyond calling police to gain entry to the room.

He asked for a key at about 3:30 a.m. Saturday, desk clerk Lucy Perreard said Monday. "He just persisted over the next two hours," she said. "He wanted into the room bad."

Perreard said Jacko did not seem agitated and was not rude, but didn't seem reasonable either. Although he was a guest at the Driftwood, Jacko refused to identify himself, Perreard said.

The police report said the incident involved alcohol and Jacko has admitted to consuming a couple glasses of wine.

Perreard said Jacko smelled of alcohol and seemed intoxicated.

Jacko made two or three requests for the key, and Perreard turned him down, citing hotel policy and common sense. "When someone comes to the desk at 3:30 in the morning, you just don't give out a room key," she said.

When Perreard would not give him a key, Jacko asked her to enter the room and contact the woman, Perreard said. The clerk refused.

He also tried more direct approaches.

"He pounded on the door all night long," Perreard said, "hard enough that I could hear it in the front office."

The woman's room is near one end of the L-shaped complex. The office is near the middle. The pounding also prompted another guest to call the office and ask whether someone was breaking

into the room, Perreard said.

Jacko also called the woman's room repeatedly. The woman finally took her phone off the hook, Perreard said.

Though Jacko said he "really needed to talk" to the woman, he did not say why, Perreard said. "It was personal," she said. "I don't think business was discussed at 3 in the morning."

In his first call to police, Jacko said he needed to talk about legislative business with the woman. On his second call to police from a phone in the hotel office, the senator was "throwing his name around," said Perreard, who overheard Jacko's end of the conversation.

Police said that Jacko later admitted during the second call that his request involved personal business.

"I remember him backtracking," she said. "I'm not going to say that he did say it was official business."

Jacko made the second call after police visited the hotel, determined that the senator's request was personal, and declined to help him.

Jacko's second call to police actually was for the Alaska State Troopers, whose number rings at the Juneau police department on weekends.

City-borough officials are reviewing media requests for access to tapes of both calls.

Police Capt. Mel Personett said the tapes will not be released until a supplemental report is completed by the investigating officer and municipal attorneys decide the tapes are not evidence in a criminal case.

The city-borough law department also is weighing concerns about the legislative aide's privacy. The tapes may have to be edited to remove her name and any references to her, municipal attorney John Corso said.

"I think that the senator ought to be prepared anyway for the possible release of information," Corso said.

## **Apgar poor choice for ethics**

Ruth Apgar submitted herself as candidate for a seat on an Alaska state committee formed to "hold lawmakers to high standards of ethical behavior." Now it is revealed that she and her husband were accused of transporting and selling some 200 pounds of illegal ivory back in 1980. Although her husband was convicted, Ms. Apgar avoided prosecution by agreeing to be a witness for the government.

I don't necessarily believe that one should be forever branded dishonest because of one incident. Therefore, let's evaluate Ms. Apgar via her own comments in the Daily News.

As to her knowledge that the ivory trafficking was illegal: "I had a feeling that we were not on the up-and-up in what we were doing."

As to its relevance to the ethics committee position: not relevant, she says, she was never found guilty.

As to her qualifications for the ethics committee: "I took a course in ethics and the law through U of A, so I know a little bit about ethics."

As to what she learned about ethics: "There was no way under the sun that this had anything to do with ethics whatsoever."

As to why the ivory affair was never mentioned in her application, she said it never struck her as worth bringing up.

Alaskans have the right to expect that the members of an ethics committee be a cut above average in the integrity department. Realizing that perfection is unattainable, we

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should at least be able to avoid those who take refuge in technicalities to excuse wrongdoing, those who omit pertinent information from official documents, and those who have difficulty learning from experience.

Let's find someone else for the job.

— D.A. Neal



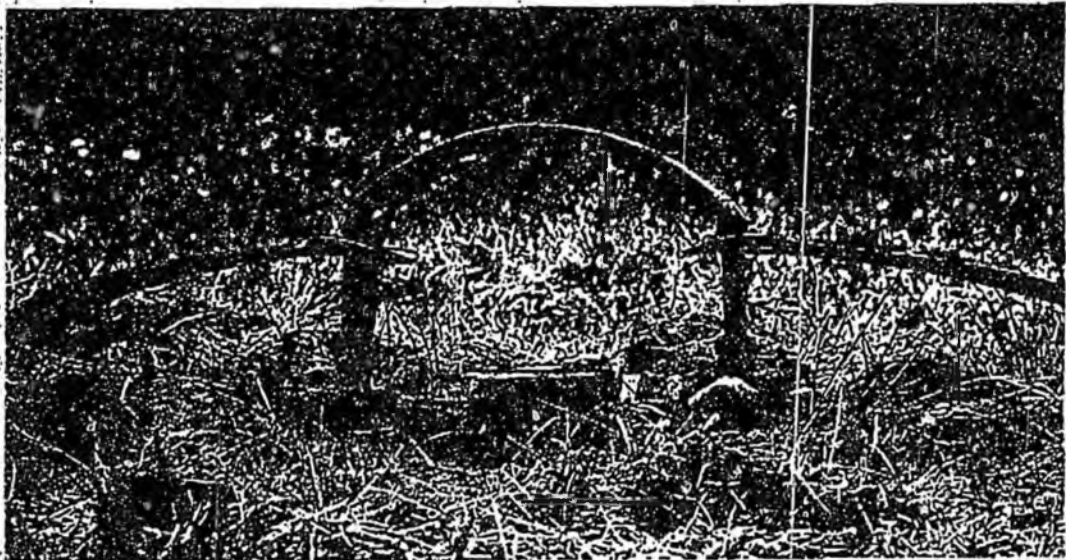
**VERBATIM I** ... From the notebook of ADN reporter Eugene Ahn, here are some comments by Ruth Apgar that didn't make it into his story about her little federal problem back in the 1980s re alleged illegal ivory trading. Ruth is one of Chief Justice Danny Moore's nominations to the state ethics board.

"You're not going to prosper from writing about me, Eugene. I am a godly woman. I have a personal relationship with the Lord. I'm going to keep you in prayer, Eugene, and I'm going to ask the Lord to punish

you for this. ... I am a born-again Christian. I'll tell you what this is, it's a wicked thing you're doing to me. You're causing me a lot of grief and you're going to suffer because of it. Maybe this has all come about so I could pray for you, because God loves you and because it's clear you need help."

# GAMEWARS

The Undercover Pursuit of Wildlife Poachers



# MARC REISNER

AUTHOR OF CADILLAC DESTROY

Pub. 1992 by Penguin Press  
375 Hudson St.  
New York 10014

640 05

146 ♦ MARC REISNER

lot of ostensibly legal pieces, finely carved pieces, over the counter for hundreds or thousands of dollars more than they would have brought had Romeo carved them himself.

Dave Hall stayed around for another couple of days, looking for more ivory dealers in Anchorage's bars and the girllie joints and coming up mostly empty-handed. He also called some of the contacts he'd made on his earlier trips. The most promising were the Apgars, Ruth and Steve, who owned the Golden North Hotel in Skagway—the gold-domed Victorian structure whose picture appears in nearly all the cruise ship brochures. Ruth had sold Doak a load of walrus ivory a few months earlier at Endangered Species. The Apgars were up to their elbows in walrus ivory smuggled out of Savoonga, where they once lived. He set up a buy from them and went back home. Being Dave Hall, he would have been frustrated if there was a single ivory dealer he hadn't stung, and there were probably plenty. Mainly, though, he was exhausted.

There were about two hundred telephone messages on his desk. He worked sixteen- or eighteen-hour days for the next week, making thirty calls a day and shoveling paperwork like a front-loader. It had become a pattern with him: he would be gone for weeks, then come home and spend practically all his waking hours at his office. David, his son, was seventeen, and his daughter, Pam, was thirteen—they would soon be out of the house—but he rarely saw them anymore. Sarah Hall was not just sleeping alone but living alone. Dave Hall becomes belligerently defensive when you bring up his absenteeism from family life—"Why the hell can't our women appreciate the importance of what we're doing?"—which a psychiatrist might jot down as prima facie evidence that it troubles him deeply. Yet at the same time, according to his peers, his work obsessiveness has become more and more extreme over the years. It was during the ivory case that his behavior became worthy of clinical interest.

"He realized as soon as he got on that damned ivory case that he was in over his head," a fellow USFWS agent who, like some others, admires him greatly and resents him deeply, told me once. "He about wrecked his health and his family life and his marriage over that case. Sarah finally had it up to here with being the sweet dutiful southern-belle wife, and Dave began to see that she has a will as strong as his, and the

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## Application to Serve as a Public Member of the Select Committee on Legislative Ethics

Please complete this form and send it along with your resume and a brief cover letter to Rep. Finkelstein at 3111 "C" St., suite 465, Anchorage, AK 99503. The cover letter should explain why you want to be a member of the Select Committee on Legislative Ethics, and what skills and experiences you can contribute to the Committee. **Your application must be received on or before Monday, November 16, 1992.**

Name: Jack P. Curry 

Mailing Address: P.O. Box 210842

Juneau Bay, AK 99821

Residence Address: 1510 Vandenhall Pen Road

Juneau, AK 99802

University of Alaska

Home Phone: (907) 789-0444 Daytime Phone: (907) 790-5213

Political Party Affiliation Republican

(write "independent" or "undeclared" if you are not a member of a party)

Are you a former legislator? NO

Are you an employee of the legislative branch, an officer of a political party, a candidate for public office, a registered lobbyist, or a public official who is required to submit annual conflict of interest forms to the Alaska Public Offices Commission? NO

(If you fit one of these categories, you may not serve on the Ethics Committee)

Do you understand that, if you become a public member of the Ethics Committee, your personal political activities will be limited and you will be subject to the conduct and financial disclosure requirements of the legislative ethics law? YES

*Thank you for your willingness to serve on the Select Committee on  
Legislative Ethics*

NOV 5 1992

Chief Justice Moore  
Representative David Finkelstein  
3111 "C" Street Suite 465  
Anchorage, AK 99503

November 3, 1992

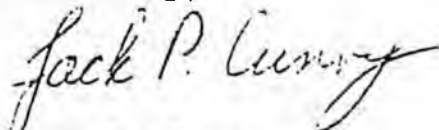
Dear Sirs:

Please accept the enclosed application material as my willingness to serve on the Select Committee on Legislative Ethics. As a participant and developer of privacy and ethics standards with regards to the collection and dissemination of computer information since 1977 I feel this committee is of great interest to me personally and professionally.

I have been actively involved with ethical standards and policy in the corporate banking environment as a Vice President with Seattle First National Bank, and Security Pacific Bank for fifteen years. As a data processing executive and manager of hundreds of employees whose ethical conduct is very sensitive and actively monitored I feel very qualified to serve on this committee.

I do not have any past affiliations or current aspirations of a political nature that would cloud my ability to effectively serve the State of Alaska. In addition, as a Associate Professor of Business and Public Administration at the University of Alaska, Juneau I have the time and the Chancellors support for serving on the committee.

Sincerely,



Jack P. Curry

Jack P. Curry  
P.O. Box 210842  
Auke Bay, AK 99821

res (907) 789-0444  
bus (907) 790-5213  
University of Alaska  
Fax (907) 790-5217

**BUSINESS EXPERIENCE:**

Fifteen years of progressive success directing large banking operations in the Pacific Northwest. Eight years experience as a strategic planning consultant in the areas of accounting, product & services delivery systems and communications. Additional experience includes; Associate Professor in the School of Business and Public Administration, University of Alaska Southeast and public speaking with over 300 seminars/workshops. Nominated to the Board of Directors, Alaska USA Federal Credit Union (1993 three year term).

**PRIMARY  
EXPERIENCE**

- \* Direct management of 150 employees and budget control of five million dollars. (Banking)
- \* Financial products development (Plus, NOW, IRA,)
- \* Corporate level strategic planning
- \* Planning consultant to GM, Ford, Prudential
- \* Business reorganization and expense reduction
- \* International communications system designer
- \* Certified Novell network consultant/engineer
- \* Contract negotiation experience
- \* Teaching; System Design, Accounting, Networks

**CURRENT**

UNIVERSITY OF ALASKA SOUTHEAST, Juneau, AK.  
Associate Professor  
School of Business and Public Administration  
Responsible for teaching courses in Accounting and data processing with additional duties in curriculum planning, University committees and student advising.

1984-1991

PRESIDENT, COMPUTER SUPPORT CONSULTANTS, INC.  
Tacoma, WA  
Regional consulting organization specializing in automation planning, operations management, systems design, and contract negotiations. Clients include; Health care, Legal, Financial services, Retail, Manufacturing, Wholesale, Insurance and Government organizations.

1978-1984

SECURITY PACIFIC BANK, Seattle, WA  
VICE PRES. GROUP MANAGER, PRODUCTS/SERVICES  
Responsible for strategic planning, design and maintenance of the company's automated products and services. Direct management of a group payroll budget of \$5 million and 150 employees. (Formerly Rainier National Bank)

1975-1978 SEATTLE FIRST NATIONAL BANK, Seattle WA  
SENIOR DATA PROCESSING AUDITOR  
Responsible for developing and conducting EDP,  
branch auditing and operational unit audit  
reviews. Participated as consultant auditor  
to banks located in Alaska, Montana and the  
American Bankers Association.

1977-1987 SEATTLE UNIVERSITY, Seattle, WA  
Adjunct VISITING INSTRUCTOR OF COMPUTER SCIENCE

1986-1989 TACOMA COMMUNITY COLLEGE, Tacoma, WA  
Adjunct INSTRUCTOR IN MIS

EDUCATIONAL ACCOMPLISHMENTS:

1975 MASTER OF SCIENCE [MS] COMPUTER SCIENCE  
California State University, Chico CA

1974 BACHELOR OF SCIENCE [BS] COMPUTER SCIENCE  
Oregon Institute of Technology

1974 ASSOCIATE OF SCIENCE [AS] ELECTRICAL ENGINEER-  
ING, Oregon Institute of Technology

PROFESSIONAL ACTIVITIES:

- \* Automation planning consultant to; General Motors,  
Ford, Insurance Company of North America, Prudential,  
American Bankers Association, United States Army,  
and Boeing Airplane Company.
- \* Nominated to the Board of Directors, Alaska USA  
Federal Credit Union (1993) Member voting in April.
- \* Participant on Board of Directors and/or advisory  
committees's for; American Bankers Association, Boy  
Scouts of America, Seattle University, Boeing and  
Saint Martins College.
- \* Conducted over 300 speeches and seminars throughout  
the United States and Canada on various business  
topics and published 20 articles in professional  
journals.
- \* Participant on National committee to develop guide  
lines for the Federal Privacy Act in 1977.

Jack P. Curry

#### PROFESSIONAL PUBLICATIONS

ANALYSIS AND EVALUATION OF COMPARATIVE COST FACTORS OF MANUAL AND AUTOMATED RETRIEVAL SYSTEMS, Proceedings of the National Computer Conference, New York, N.Y. June, 1973.

EDP DISASTER RECOVERY PLANNING, Infosystems Journal, March, 1977.

EDP SECURITY IS NOT EXPENDABLE, Computerworld Magazine February, 1978.

DATA BASE DESIGN FOR EFFICIENCY, Data Processing Management Association, Chicago, IL., March, 1978.

DEVELOPING DATA SECURITY, Data Processing Management Association, May, 1978.

DATA PROCESSING CONTINGENCY PLANNING WORKBOOK, American Bankers Association Publication, October, 1979.

DISTRIBUTED DATA BASES IN A BANKING NETWORK, American Bankers Association Publication, June, 1980.

DISASTER RECOVERY, Canadian Systems Journal, September 1981.

DATA PROCESSING ORGANIZATIONAL STRUCTURES, Data Processing Management Association of Canada, June, 1981.

#### PROFESSIONAL PRESENTATIONS

THE DESIGN OF PROGRAMMING AND FILE ORGANIZATION BY SIMULATION AND MODELING, Presented at the Joint Meeting of the Institute of Management Sciences, San Diego CA, 1975.

DATA PROCESSING SECURITY, Presentation at the Bank Administration Institute [BAI], Chicago, IL, Nov.1976

WHAT IS STRUCTURED DESIGN AND DEVELOPMENT, Presented at the University of California, Davis, December, 1976.

- DISASTER PLANNING FOR FINANCIAL ORGANIZATIONS,  
Proceedings of Honeywell Data Security and Privacy  
Symposium, Phoenix, AZ April, 1977.
- SYSTEM MODELING AND THE IMPACT ON DESIGN, Association  
of Computing Machinery [ACM], Miami, FL May, 1977.
- COMPUTER RISK ANALYSIS, Proceedings of the Data Process-  
ing Security Seminar, Atlanta, GA June, 1977.
- ESTABLISHING AN EDP AUDIT FUNCTION, Proceedings of Data  
Processing Security Seminar, Chicago, IL Sept. 1977
- ELECTRONIC FUNDS TRANSFER SYSTEMS, Proceedings of the  
Regional Operations and Automation Seminar, American  
Bankers Association, Phoenix, AZ September, 1977.
- PROPOSED PRIVACY LEGISLATION, Presentation at Regional  
Data Processing Management Association, Seattle, WA  
October, 1977.
- DATA PROCESSING SECURITY, Proceedings of Data Processing  
Security Seminar, Las Vegas, Nevada, December, 1977.
- AUTOMATED CATALOGING AND RETRIEVAL SYSTEM, Designed and  
developed system for California State University,  
Chico, Presented to Department of Computer Science,  
January, 1978.
- ASSETS PROTECTION PLANNING FOR EDP ACTIVITIES, Present-  
ation of American Industrial Security Seminar, Los  
Angeles, January, 1978, Orange County, February, 1978  
and Palo Alto CA, March, 1978.
- DOCUMENTATION STANDARDS AND AIDS, Western Canada, NCR  
Users Group, Edmonton Alberta, March, 1979.
- QUALITY ASSURANCE, Association of Systems Management,  
Toronto, Canada, May, 1979.
- DATA ENCRYPTION METHODS FOR COMMUNICATIONS NETWORKS,  
American Bankers Association, Miami, FL March, 1979.
- COMMUNICATIONS PROCESSORS-NETWORKING, General Telephone  
Company, Chicago, IL, April, 1979.
- COMPUTERS- A DAILY INFLUENCE IN YOUR LIFE AND BUSINESS,  
British Columbia Data Processing Association, Van-  
couver B.C. May, 1980.

MICRO COMPUTERS AND STRUCTURED DESIGN, Association of Computing Machinery [ACM], Atlanta, GA, June, 1981.

THE ROLE OF THE DEVELOPMENT TEAM, American Management Association, New Orleans, LA, September, 1981.

INSURANCE FOR BUSINESS COMPUTING, Pacific Northwest Insurance Brokers, Seattle, WA, November, 1981.

DATA BASE PRIVACY AND THE LAW, Data Processing Management Association, Washington D.C., February, 1982.

AUDIT AND CONTROL FOR SYSTEMS DEVELOPMENT, Institute of Internal Auditors Association, Dallas, TX, October 1983.

RELATIONAL DATA BASES VS FILERS, Data Processing Management Association Workshop, Los Angeles, CA, December, 1983.

EXPERT SYSTEMS AND ARTIFICIAL INTELLIGENCE, Panel presentation at Boeing Computer Services, Seattle, WA, April, 1984.

NOVELL NETWORKS AND ACADEMIC COMPUTING, Workshop, Saint Martins College, Olympia, WA, October 1989.

Information Request  
Page 5

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**Name:** Jack P Curry  
**Original Registration:** October 10, 1992  
**Party Affiliation:** Republican  
**Residence Address:** 1510 Mendenhall Peninsula Road  
Juneau, Alaska 99801  
**Mailing Address:** P.O. Box 210842  
Auke Bay, Alaska 99821  
**Voter History:** 1992 General

---

I certify that the above information accurately reflects the voter's record.

Sincerely,

Carol A. Thompson  
Acting Election Supervisor



Vicki Toner  
Administrative Assistant

01/29/1993 12:06:09 =====

PSTD400P TERMID: PJV4

CRIMINAL HISTORY

01/29/93 12:07:43.3

PERSON NAME: JACK PRITCHARD CURRY

DOB: 06/22/1937  
SSN: 543-34-2170

SEX: M  
EYE COLOR: BLU

WEIGHT: 160 HEIGHT: 5 08 HAIR: GRY  
RACE: W SKIN: MEDICAL:

TEMPERAMENT:  
BIRTH CITY: LOS ANGELES

MARKS:  
STATE: CA COUNTRY:

ID/LIC NUM: 6591674  
CITIZEN:

AST NUMBER: FBI NUMBER:  
FELON: N FP ON FILE:

MAILING ADDR: STREET/EXTRA LINE  
PC BOX 210842

CITY/COUNTRY  
AUKE BAY

STATE LAST CHGD  
AK 07/02/1991

RES ADDR: 917 MENDENHALL SPUR ROAD JUNEAU

AK 07/02/1991

OCCUPATION:  
PER COMMENT:

EMPLOYMT:

CRIMINAL HISTORIES MAY EXIST IN:  
UPDATED:

PF2 MULT PERSON PF8 CONVICTIONS  
01/29/1993 12:06:17 =====

MORE...

PSTD410P TERMID: PJV4

CRIMINAL HISTORY

01/29/93 12:07:54.0

PERSON NAME: JACK PRITCHARD CURRY

AST NUMBER:

ID/LIC NUMBER: 6591674

FBI NUMBER:

\* \* \* NO CRIMINAL HISTORY RECORDS FOR THIS PERSON \* \* \*

PF8 CONVICTIONS

\* AT END \*

"This record is the property of the Alaska Public Safety Information Network. It has been disseminated for a specific, limited, criminal justice purpose and is only valid for 60 days. Further dissemination is not authorized and will subject users to civil and criminal liability under State and Federal law."

01/29/1993 12:33:38 =====

FM: NCIC ON 01/29/93 AT 12:35:00

NL01AKPSBA\$ADT02190

AKAST000C

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX  
(III) FOR PUR/C.NAM/CURRY, JACK P.DOB/062237.RAC/U.SEX/F.

NOTICE -- THIS DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF MATCHING  
RECORDS IN LOCAL, STATE, OR FBI IDENTIFICATION DIVISION FILES THAT ARE  
NOT INDEXED IN THE NCIC III. IF YOU DESIRE A SEARCH OF THE FBI  
IDENTIFICATION DIVISION FILES, A FINGERPRINT CARD SHOULD BE SUBMITTED.  
END

## Application to Serve as a Public Member of the Select Committee on Legislative Ethics

Please complete this form and send it along with your resume and a brief cover letter to Rep. Finkelstein at 3111 "C" St., suite 465, Anchorage, AK 99503. The cover letter should explain why you want to be a member of the Select Committee on Legislative Ethics, and what skills and experiences you can contribute to the Committee. **Your application must be received on or before Monday, November 16, 1992.**

Name: Margie Mac Neille

Mailing Address: 8101 White Drive  
Anchorage AK 99516

Residence Address: same

Home Phone: 346-3326 Daytime Phone: same

Political Party Affiliation Democrat  
(write "independent" or "undeclared" if you are not a member of a party)

Are you a former legislator? No

Are you an employee of the legislative branch, an officer of a political party, a candidate for public office, a registered lobbyist, or a public official who is required to submit annual conflict of interest forms to the Alaska Public Offices Commission? No  
(If you fit one of these categories, you may not serve on the Ethics Committee)

Do you understand that, if you become a public member of the Ethics Committee, your personal political activities will be limited and you will be subject to the conduct and financial disclosure requirements of the legislative ethics law? Yes

*Thank you for your willingness to serve on the Select Committee on  
Legislative Ethics*

October 22, 1992

Chief Justice Daniel A. Moore, Jr.  
c/o Select Committee on Legislative Ethics  
Hon. David Finkelstein, Chair  
3111 C Street  
Anchorage, Alaska 99503


Dear Chief Justice Moore:

I ask that you consider my name in making your appointments to the newly-constituted Select Committee on Legislative Ethics. I have been a public member of the Committee for four years (two terms). I would hope that I could bring to the Committee not only a certain amount of history and continuity, but also the benefit of a lot of thought about the ethical problems which legislators encounter and the responsibility of the Committee to the legislature and the public.

I have attached my resumé. As you can see, I am not practicing law, although I have remained active in the Alaska Bar Association. I am "doing the Mom thing", as one of my friends put it, with my 8-year-old and 20-month-old sons. I am in compliance with the various statutory restrictions on public committee members which will become effective in January. I understand that any contracts between the State and my husband's law firm have been entered into in accordance with the new AS 24.60.040(a). I am a registered Democrat, although I am not politically active; the restriction in AS 24.60.134 on attending campaign fundraisers would not alter my social life one iota.

I understand from Representative Finkelstein that you plan to interview applicants for the public member positions. I hope I have the opportunity to talk with you, and I thank you for your consideration.

Sincerely,



Margie Mac Neille

8101 White Drive  
Anchorage, Alaska 99516

MARGIE MAC NEILLE

ADDRESS: 8101 White Drive, Anchorage, Alaska 99516

TELEPHONE: 346-3326

EDUCATION: A.B. cum laude, Radcliffe College, 1972  
J.D. cum laude, Harvard Law School, 1975

EMPLOYMENT: 1983-1988: General Counsel, Chugach Electric Association, Anchorage, Ak. General civil, corporate and regulatory practice.  
1980-1983: Associate, Duncan, Weinberg and Miller, Anchorage, Ak. General civil practice.  
1976-1979: Staff Attorney, Alaska Legal Services Anchorage, Ak. General civil practice for low income clients.  
1975-1976: Law Clerk, Justice Edmond Burke, Alaska Supreme Court, Anchorage, Ak.

BARS: Alaska Bar Association, admitted 1975  
U.S. District Court, Alaska, admitted 1976

COMMITTEES: Select Committee on Legislative Ethics, Alaska Legislature, 1989-present  
Alaska Bar Association: Bar Examiners' Committee, 1977-1989, 1990-present. Statutes, Rules and By-laws Committee, Chair, 1989-present  
Denali Montessori Parents Advisory Committee, Secretary, 1991-present

FAMILY: I have been married to Julian L. Mason since 1982; we have two children, Mac, 8, and Alexander, 20 months.

Information Request  
Page 4

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**Name:** Margie Mac Nellig

**Original Registration:** June 6, 1975

**Party Affiliation:** Democrat

**Residence Address:** 3001 W 43rd Place #1  
Anchorage, Alaska

**Change of Address:** White Street, Conifer Heights  
Anchorage, Alaska

**Absentee Application:** October 7, 1988

**Residence Address:** 8101 White Drive  
Anchorage, Alaska 99516

**Mailing Address:  
On Absentee Application:** 3332 Batler Road  
Glyndon, Maryland

**Voter History:** 1984 Primary, General and Local  
1985 Local  
1986 Primary, General and Local  
1987 Local  
1988 Primary, General (Absentee) and  
Local (Absentee)  
1989 Local  
1990 Primary, General, Special Local and  
Local  
1991 Local  
1992 Primary and General

---

I certify that the above information accurately reflects the voter's record.

01/29/1993 12:02:23 =====

PSTD400P TERMID: PJV4

CRIMINAL HISTORY

01/29/93 12:03:54.5

PERSON NAME: MARGIE MACNEILLE

DOB: 11/24/1950

SSN: 219-58-3148

SEX: F

EYE COLOR: BLU

TEMPERAMENT:

BIRTH CITY: BALTIMORE

ID/LIC NUM: 403994

CITIZEN:

WEIGHT: 140

RACE: W

MARKS:

STATE: MD

AST NUMBER:

FELON: N

HEIGHT: 5 04

SKIN:

COUNTRY:

HAIR: BRO

MEDICAL:

FBI NUMBER:

FP ON FILE:

MAILING ADDR: STREET/EXTRA LINE  
8101 WHITE DRIVE

CITY/COUNTRY  
ANCHORAGE

STATE LAST CHGD  
AK 05/01/1985

RES ADDR: 8101 WHITE DRIVE  
MILE 101 GLENN HWY

ANCHORAGE

AK 01/29/1993

OCCUPATION:

EMPLOYMT:

PER COMMENT:

CRIMINAL HISTORIES MAY EXIST IN:

UPDATED:

PF2 MULT PERSON

PF8 CONVICTIONS

MORE...

01/29/1993 12:02:33 =====

PSTD410P TERMID: PJV4

CRIMINAL HISTORY

01/29/93 12:04:10.2

PERSON NAME: MARGIE MACNEILLE

AST NUMBER:

ID/LIC NUMBER: 403994

FBI NUMBER:

\* \* \* NO CRIMINAL HISTORY RECC.DS FOR THIS PERSON \* \* \*

PF8 CONVICTIONS

\* AT END \*

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Information Network. It has been disseminated for a  
specific limited, criminal justice purpose and is  
courtesy for 30 days. Further dissemination is not  
authorized and will subject users to civil and criminal  
liability under State and Federal law."

01/29/1993 12:22:51 =====

FM: NCIC ON 01/29/93 AT 12:23:52

NL01AKPSBA\$ADT02136

AKAST0000

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX  
(III) FOR PUR/C.NAM/MACNEILLE, MARGIE .DOB/112450.RAC/U.SEX/F.

NOTICE -- THIS DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF MATCHING  
RECORDS IN LOCAL, STATE, OR FBI IDENTIFICATION DIVISION FILES THAT ARE  
NOT INDEXED IN THE NCIC III. IF YOU DESIRE A SEARCH OF THE FBI  
IDENTIFICATION DIVISION FILES, A FINGERPRINT CARD SHOULD BE SUBMITTED.  
END

NOV 16 1992

## Application to Serve as a Public Member of the Select Committee on Legislative Ethics

Please complete this form and send it along with your resume and a brief cover letter to Rep. Finkelstein at 3111 "C" St., suite 465, Anchorage, AK 99503. The cover letter should explain why you want to be a member of the Select Committee on Legislative Ethics, and what skills and experiences you can contribute to the Committee. **Your application must be received on or before Monday, November 16, 1992.**

**Name:** \_\_\_\_\_ Niel Thomas (my given name is Daniel D. Thomas) \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_ 14740 Mossberry Ln \_\_\_\_\_  
\_\_\_\_\_ Anchorage, AK 99516 \_\_\_\_\_

**Residence Address:** \_\_\_\_\_ Same as above \_\_\_\_\_

**Home Phone:** \_\_\_\_\_ 345-1552 \_\_\_\_\_ **Daytime Phone:** \_\_\_\_\_ 265-9106 \_\_\_\_\_

**Political Party Affiliation** \_\_\_\_\_ Undeclared \_\_\_\_\_  
(write "independent" or "undeclared" if you are not a member of a party)

**Are you a former legislator?** \_\_\_\_\_ No \_\_\_\_\_

**Are you an employee of the legislative branch, an officer of a political party, a candidate for public office, a registered lobbyist, or a public official who is required to submit annual conflict of interest forms to the Alaska Public Offices Commission?** \_\_\_\_\_ No \_\_\_\_\_  
(If you fit one of these categories, you may not serve on the Ethics Committee)

**Do you understand that, if you become a public member of the Ethics Committee, your personal political activities will be limited and you will be subject to the conduct and financial disclosure requirements of the legislative ethics law?** \_\_\_\_\_ Yes \_\_\_\_\_

*Thank you for your willingness to serve on the Select Committee on  
Legislative Ethics*

NOV 16 1992

**Niel Thomas**  
14740 Mossberry Place  
Anchorage, Alaska 99516  
(907) 345-1552 home  
(907) 762-1506 office

November 16, 1992

Rep. David Finkelstein  
Legislative Information Office  
3111 C Street, Suite 465  
Anchorage, AK 99503

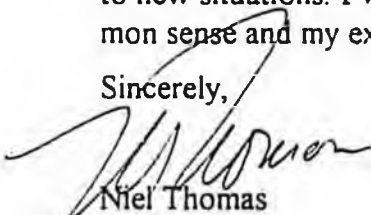
Dear Rep. Finkelstein:

Attached is my application and resume to be a public member of the Select Committee on Legislative Ethics.

I hope you will agree that my background is politically neutral and therefore well suited for this position. As a Realtor my current work involves listening to people and working with them to think through real estate issues. As an arbitrator in the early '80's my job was to hear out the parties to a labor dispute and come to a well-reasoned decision. At the Human Rights Commission in the 70's my job was to impartially investigate discrimination complaints for presentation to the members of the Commission.

Legislative ethics has been a troublesome question with no easy answers. Improvements in the statute have sketched out the basic standards of conduct. No law can anticipate all the issues that are going to come up, however. It will be the job of the Select Committee to work within the confines of the law while being flexible when the law needs to be applied to new situations. I would bring no preconceptions to this work: only a measure of common sense and my experience in determining facts and applying the law.

Sincerely,



Niel Thomas

Niel Thomas, CCIM  
Associate Broker



**FORTUNE**

Fortune Properties, Inc.  
2525 C Street, Suite 10C  
Anchorage, Alaska 99503  
(907) 562-SOLD (7653) FAX 276-4502

**NIEL THOMAS, CCIM**  
**Professional Resume**  
**November, 1992**

***ASSOCIATE REAL  
ESTATE BROKER***

***1984-(Present)***

Fortune Properties, Inc., Anchorage, AK. (Connie Yoshimura, president.) One of the initial agents, having joined the company in August, 1984. Marketing agent for new construction, pre-owned homes, income and commercial properties. Eight year track record of 50-70 transactions per year with \$5-7 million annual sales volume. Consistently ranks in top five among 50 agents.



***LABOR ARBITRATOR***

***1982-1986***

Retained on a case-by-case basis to impartially resolve grievances between labor unions, employers, and their employees. Roster of Arbitrators, Federal Mediation and Conciliation Service; National Labor Panel, American Arbitration Assn.; Anchorage Personnel Assn.

***REAL ESTATE SALESMAN***

***1983-84***

Commonwealth Area Realtors, Anchorage.

***OFFICE OF THE GOVERNOR***

***1974-82***

Alaska State Commission for Human Rights, Executive Director. Screen and impartially determine the facts in complaints of discrimination for presentation to Governor-appointed members of the Commission.

***TRAINER***

***1970-74***

Washington, D.C. and Harrisburg, Pa. Various contracts with government agencies to train personnel in fact-finding and fair hearing procedures.

***PUBLIC RELATIONS AND NEWS***

***1964 -70***

Gettysburg College (Director of Public Information);  
Boston, Mass. area newspapers as news reporter and drama critic

***EDUCATION:***

Cornell University, Ithaca, N.Y. B.A. 1964.  
Lower Merion High School, 1959. (Philadelphia area).

***CONTINUING REAL ESTATE EDUCATION***

***1989-92***

CI Courses by the Commercial-Investment Real Estate Institute  
CI 100: "Marketing Techniques for Leasing and Selling Commercial Property"  
CI 101: "Fundamentals of Real Estate Investment and Taxation"  
CI 102: "Fundamentals of Location and Market Analysis"  
CI 103: "Advanced Real Estate Taxation & Marketing for Investment Real Estate"  
CI 104: "Impact of Human Behavior on Commercial-Investment Decision Making"  
CI 105: "Case Studies in Commercial-Investment Real Estate Brokerage"  
"Creative Solutions: Do More Transactions" Kenneth M. Vidar, CCIM, S.E.C.  
"Course Concepts Review". Covers all CI topics preparatory to Comprehensive Exam  
"Commercial Real Estate in the 1990's" Paul Zane Pilzer. Seminar in Austin, 1992

***PROFESSIONAL AFFILIATIONS:***

National Association of Realtors  
Commercial-Investment Real Estate Institute  
- Certified Commercial Investment Member (CCIM)  
Multiple Listing Service  
Anchorage Board of Realtors  
Alaska Association of Realtors  
Alaska Journal of Commerce  
-weekly column on real estate

***COMMUNITY:***

Cornell Club of Alaska, vice chairman.  
The Salvation Army, Alaska Division  
- Anchorage Advisory Board, vice chairman  
- Property Committee, Chairman  
- Clitheroe Center Advisory Committee, member  
Alaska Judicial Council, Committee on Judicial Retention (former member)  
Greatland Health Club  
American Contract Bridge League (ACBL), Life Master  
ACBL Anchorage Unit, past president  
Anchorage Opera, former board member

***PERSONAL:***

Married to Judie L. Thomas, a counselor and inactive real estate agent  
Anchorage Hillside resident, 18 years. Last house on a dead-end road on 2.5 acres  
Camping, hiking, downhill and cross-country skiing and tournament bridge  
Movie, theatre, opera and music lover - the former drama critic still in evidence