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IN THE HOUSE

BY COMMITTEE ON STATE AFFAIRS

HOUSE BILL NO. 114

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act to organize the executive and administrative offices, departments and agencies of the state government; abolishing, consolidating, and creating certain departments, offices, boards and agencies; defining their powers and duties, and providing for an effective date."

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

Section 1. SHORT TITLE. This Act shall be known and referred to as the State Organization Act of 1959.

Sec. 2. DEPARTMENTS AND OFFICES SPECIFIED. All the administrative powers and duties heretofore vested by law in the several territorial and state offices, departments, boards, commissions, bureaus, and other agencies shall be vested in the following principal departments and offices which are hereby created and established as follows:

1. Office of the Governor
2. Department of Administration
3. Department of Law
4. Department of Revenue
5. Department of Education
6. Department of Health and Welfare
7. Department of Labor and Economics
8. Department of Military Affairs

- 1 9. Department of Natural Resources
- 2 10. Department of Fish and Game
- 3 11. Department of Public Safety
- 4 12. Department of Public Works

5 Sec. 3. POWERS AND DUTIES OF HEADS OF DEPARTMENTS. All the
6 powers and duties conferred by law and required to be performed
7 by the several officers, departments, boards, commissions, bureaus,
8 and other administrative agencies at the time of the passage of
9 this Act shall hereafter be exercised, performed, and administered
10 by the heads of the several departments herein specified.

11 Except as otherwise provided by this Act, the head of any
12 state department may assign the functions vested in his department
13 to such subordinate officers and employees as may to him seem
14 desirable and, with the approval of the Governor, may establish
15 within the department such divisions or other administrative or
16 organization units as may seem in the interests of economy and
17 efficiency and in accord with sound administrative principles
18 and practices.

19 The head of each department is empowered to prescribe
20 regulations, not inconsistent with law or the rules established by
21 the Governor, for the administration of his department; the
22 conduct of its employees; the distribution and performance of
23 its business; and the custody, use, and preservation of the
24 records, documents, and property pertaining thereto.

25 Sec. 4. SELECTION, QUALIFICATIONS, COMPENSATION AND TERMS
26 OF OFFICE OF EXECUTIVE DEPARTMENT HEADS. The head of every
27 principal executive department shall be appointed by the Governor,
28 subject to confirmation by a majority of the members of the Legis-
29 lature in joint session, shall serve at the pleasure of the

1 Governor notwithstanding their respective terms, and shall receive
2 such compensation as may be fixed by law.

3 Sec. 5. DEPARTMENT STAFFS. The heads of departments,
4 except as otherwise provided by this Act, may establish such
5 subordinate positions as may be necessary and make appointments
6 thereto and removals therefrom, within the limitations of the
7 appropriations provided and subject to the provisions of state
8 personnel laws. All appointees to such positions shall be under
9 the supervision, direction, and control of the heads of the
10 respective departments and shall perform such duties as depart-
11 ment heads may prescribe.

12 Sec. 6. APPOINTMENT, QUALIFICATIONS, COMPENSATION, AND
13 TERMS OF OFFICE OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS OR
14 COMMISSIONS. The term "board" wherever stated in this Act shall
15 include councils and commissions and said terms are hereby declar-
16 ed to be used interchangeably insofar as substantive provisions
17 are concerned.

18 The members of each appointive board established by this
19 Act shall be citizens of the United States appointed by the Gov-
20 ernor, subject to confirmation by a majority of the members of
21 the Legislature in joint session, on the basis of their interest
22 in public affairs, their good judgment, their knowledge and
23 ability in the field of action of the department for which
24 appointed, and with a view to providing diversity of interest and
25 points of view in the membership. Initial appointments of board
26 members shall be, in the case of three-member boards, for one, two,
27 and three years respectively; in the case of five-member boards,
28 for one, two, three, four, and five years respectively, in the
29 case of six-member boards, two members shall serve for one year,

1 two for two years, and two for three years respectively; and in
2 the case of eight-member boards, two members shall serve for one
3 year, two for two years, two for three years, and two for four
4 years respectively. Initial terms shall date from the first of
5 February immediately preceding appointment. Thereafter, terms of
6 board members shall be as hereinafter provided. Vacancies occur-
7 ring during a term of office shall be filled in the same manner as
8 the original appointment is made and for the balance of the un-
9 expired term. Board members shall hold office at the pleasure of
10 the Governor notwithstanding their respective terms. Members of
11 boards may be compensated for their services at per diem rates to
12 be determined by the Governor and may be reimbursed for actual and
13 necessary expense incurred in connection with and as a result of
14 their work as members of boards.

15 Sec. 7. OFFICE OF THE GOVERNOR. The Office of the Governor
16 shall include the Secretary of State, the Budget Officer, and such
17 staff as the Governor finds necessary to administer properly the
18 executive powers of the State. The Secretary of State is hereby
19 vested with the duties, powers, and responsibilities involved in
20 administering state election laws, appointing all notaries public,
21 and serving as custodian of the State Seal. The functions and
22 authority heretofore performed and exercised by the Canvassing
23 Board are hereby transferred to the Office of the Secretary of
24 State.

25 There is hereby created an agency within the Governor's
26 Office to be known as the Local Affairs Agency to be administered
27 by a Director of Local Affairs. The Director will be appointed by
28 and serve at the pleasure of the Governor. This agency is hereby
29 vested with the duties, powers, and responsibilities involved in

1 the administration of a state program to provide assistance to
2 local communities, including but not limited to assistance in
3 fiscal problems, incorporation and organization problems, legal
4 matters, engineering, purchasing, planning, and the recruitment
5 of technical and specialized personnel. The agency shall provide
6 staff services for the Local Boundary Commission. The functions
7 and authority heretofore performed and exercised by the Alaska
8 Rural Development Board are hereby transferred to the Local Affairs
9 Agency.

10 There is hereby further created within the Local Affairs
11 Agency a Local Boundary Commission consisting of five members for
12 overlapping five-year terms, one to be appointed from each of the
13 four major election districts and one from the State at large who
14 will serve as chairman. The Local Boundary Commission is hereby
15 vested with the duties, powers, and responsibilities involved in
16 making studies of local government boundary problems, developing
17 proposed standards and procedures for changing local boundary
18 lines, holding hearings on proposed boundary changes, and in
19 presenting its recommendations to the Legislature.

20 The Office of the Governor is hereby vested with duties,
21 powers, and responsibilities involved in administration of the
22 Alaska Pioneers' Home. The functions and authority heretofore
23 performed and exercised by the Board of Trustees of the Alaska
24 Pioneers' Home, and the Superintendent of the Alaska Pioneers'
25 Home are hereby transferred to the Office of the Governor.

26 Sec. 8. DEPARTMENT OF ADMINISTRATION. There shall be a
27 principal executive officer of the Department of Administration
28 to be known as the Commissioner of Administration.

29 The Department of Administration is hereby vested with the

1 duties, powers, and responsibilities involved in the preparation
2 and execution of the executive budget, including a system of
3 periodic allotments for the regulation of expenditures and making
4 of surveys and studies for the purpose of improving administrative
5 procedures, methods, and organization; in the keeping of general
6 accounts; in the approval of vouchers and disbursement of funds
7 for all purposes; in the operation of centralized purchasing and
8 supply services, including the operation of such storerooms and
9 warehouses as may be necessary; the allotment of space in the
10 state buildings to the various departments according to their
11 needs and the space available; the supervision of telephone,
12 mailing, messenger, duplicating, and other like services adaptable
13 to centralized management; in the administration of a public
14 employees' retirement system and a teachers' retirement system;
15 and in the administration of a statewide personnel program,
16 including such central personnel services as recruitment, examina-
17 tion, position classification, and pay administration.

18 The functions and authority heretofore performed and exer-
19 cised by the Department of Finance; the Director of Finance; the
20 Controller; the Treasurer (except those relating to the receipt,
21 custody, investment and management of all state funds and the
22 bounty program); the Board of Review; the Board of Examiners; the
23 Finance Committee; the Military Department with respect to the
24 Alaska Surplus Property Service; the Teachers' Retirement Board;
25 and the Department of Public Welfare with respect to the distri-
26 bution of surplus property are hereby transferred to the Depart-
27 ment of Administration.

28 Sec. 9. DEPARTMENT OF LAW. There shall be a principal
29 executive officer of the Department of Law to be known as the

1 Attorney General.

2 The Department of Law is hereby vested with the duties,
3 powers, and responsibilities involved in the administration of
4 state legal services, including the furnishing of written legal
5 opinions to the Governor, to the Legislature, and to all state
6 officers and departments as the Governor may direct; the repre-
7 sentation of the State in all civil actions in which the State is
8 a party; the drafting of legal instruments for the State and the
9 prosecution in court of all cases involving violations of state
10 law, provided however, the Department of Law shall undertake no
11 prosecution of criminal actions until such time as the state
12 judiciary has assumed jurisdiction over cases involving violations
13 of state law. All functions and authority heretofore performed
14 and exercised by the Attorney General and the Board of Commission-
15 ers for the Promotion of Uniform Legislation in the United States
16 are hereby transferred to the Department of Law.

17 Sec. 10. DEPARTMENT OF REVENUE. There shall be a principal
18 executive officer of the Department of Revenue to be known as the
19 Commissioner of Revenue.

20 The Department of Revenue is hereby vested with the duties,
21 powers, and responsibilities involved in the enforcement of all
22 tax laws of the State, in the collection, accounting for, custody,
23 investment, and management of all state funds and all revenues of
24 the State except where such revenues are incidental to a program
25 of licensing and regulation carried on by another state department.
26 The Department shall register corporations, collect corporation
27 franchise taxes, and register log and cattle brands; and it shall
28 supply necessary clerical and administrative services for the
29 Alcoholic Beverage Control Board. The functions and authority

1 heretofore performed and exercised by the Department of Taxation,
2 the Commissioner of Taxation; the Department of Finance, the
3 Director of Finance, and the Treasurer, with respect to receipt,
4 custody, investment and management of state funds; registering
5 corporations, collecting the corporation franchise taxes, and
6 registering cattle brands; and by the Department of Labor for
7 registering log brands; and by the Bureau of Vital Statistics of
8 the Department of Health with respect to issuance of and collec-
9 tion of fees for embalmers' licenses are hereby transferred to
10 the Department of Revenue.

11 There is hereby established an Alcoholic Beverage Control
12 Board in the Department of Revenue consisting of three members
13 appointed for overlapping three-year terms; and the Board is here-
14 by vested with the duties, powers, and responsibilities involved
15 in the control of alcoholic beverages, including the promulgation
16 of rules and regulations and the hearing of appeals from the
17 action of officers and employees charged with enforcing the
18 alcoholic beverage control laws, rules, and regulations. The
19 functions and authority heretofore performed and exercised by the
20 Board of Liquor Control are hereby transferred to the Alcoholic
21 Beverage Control Board.

22 Sec. 11. DEPARTMENT OF EDUCATION. There shall be a
23 principal executive officer of the Department of Education to be
24 known as the Commissioner of Education.

25 The Department of Education is hereby vested with the duties,
26 powers, and responsibilities involved in the administration of
27 the State's program of education at the elementary and secondary
28 levels, including programs of vocational education, vocational
29 rehabilitation, library services, and correspondence courses; the

1 administration of the Historical Library and Museum; and the
2 planning, financing, and operation of all related school and
3 educational activities and facilities except that nothing in this
4 Act shall be construed to extend or enlarge the State's functions
5 with respect to independent school systems now established by law.

6 The functions and authority heretofore performed and exercised
7 by the Department of Education, the Board of Education, the Com-
8 missioner of Education; the Historical Library and Museum Commis-
9 sion; the Department of Library Service, the Board of Library
10 Service; the Textbook Commission; the Board of Vocational Rehabili-
11 tation; and the Board of Vocational Education are hereby trans-
12 ferred to the Department of Education.

13 There is hereby created within the Department of Education
14 a Board of Education consisting of six members, appointed for
15 overlapping three-year terms. The principal executive officer
16 shall not be a member of the Board but shall be ex officio
17 secretary and have the right to cast tie-breaking votes only. The
18 Board members shall be appointed by the Governor without regard
19 to political affiliation, subject to confirmation by a majority
20 of the members of the Legislature in joint session. In the
21 appointment of Board members, the Governor shall give considera-
22 tion to recommendations made by recognized educational associa-
23 tions in the State.

24 The Governor shall appoint the Commissioner of Education
25 from a list of qualified persons nominated by the Board of Educa-
26 tion, subject to the right of the Governor to request additional
27 nominations. The appointment shall be subject to confirmation by
28 a majority of the members of the Legislature in joint session.
29 The Commissioner of Education shall serve for a term of 5 years.

1 In the event of a vacancy in the office of Commissioner of
2 Education a successor shall be appointed, in the manner provided
3 for the regular appointment, to fill the unexpired term.

4 The Board of Education must confirm programming actions of
5 the Commissioner of Education, except as hereinafter provided,
6 but shall not have administrative, budgeting, or fiscal powers;
7 and such administrative, budgeting, and fiscal power shall reside
8 in the Commissioner of Education.

9 All rules and regulations shall originate with the
10 Commissioner of Education, but shall not become effective until
11 approved by a majority of the Board of Education. In the event
12 the Board of Education fails to approve such rules or regulations,
13 public hearings shall be held concerning the issues in question.
14 If, subsequent to public hearings, the Board and the Commissioner
15 continue to disagree, the issue shall be certified in writing by
16 the Board and the Commissioner to the Governor who shall make a
17 decision thereon, which decision shall be final.

18 Any provision of this Act to the contrary notwithstanding,
19 the Board is hereby vested with the duties, powers, and responsi-
20 bilities involved in reviewing, adopting, approving, and adminis-
21 tering the plans for vocational education and vocational rehabili-
22 tation to be submitted to Federal authorities for the purpose of
23 securing Federal aid.

24 Sec. 12. DEPARTMENT OF HEALTH AND WELFARE. There shall be
25 a principal executive officer of the Department of Health and
26 Welfare to be known as the Commissioner of Health and Welfare.

27 The Department of Health and Welfare is hereby vested with
28 the duties, powers, and responsibilities involved in the adminis-
29 tration of the state programs of public health and welfare,

1 including, but not limited to, maternal and child health services;
2 preventive medical services; public health nursing services;
3 sanitation and engineering services; nutrition services; health
4 education; laboratories; mental health treatment and diagnosis;
5 management of state institutions; old age assistance; aid to
6 dependent children; aid to the blind; child welfare services;
7 general relief; licensing and supervision of child care facili-
8 ties; and probation and parole supervision. The functions and
9 authority heretofore performed and exercised by the Department of
10 Health, the Board of Health, the Commissioner of Health; the
11 Department of Public Welfare; the Board of Public Welfare, the
12 Commissioner of Public Welfare; the Department of Juvenile Insti-
13 tutions; the Advisory Hospital Council; the Water Pollution Con-
14 trol Board; and the Department of Agriculture with respect to
15 the inspection of dairy products and other foods for public
16 health purposes, are hereby transferred to the Department of
17 Health and Welfare.

18 There is hereby created a Hospital Advisory Council consist-
19 ing of five members appointed for overlapping five-year terms to
20 advise and consult with the Commissioner of Health and Welfare
21 with respect to programs for the construction of hospitals and
22 the development of rules, regulations, and standards for the
23 operation of hospitals. The Council shall have such additional
24 necessary authority and powers relative to the foregoing as may
25 be necessary for the purpose of securing Federal aid.

26 Sec. 13. DEPARTMENT OF LABOR AND ECONOMICS. There shall be
27 a principal executive officer of the Department of Labor and
28 Economics to be known as the Commissioner of Labor and Economics.

29 The Department of Labor and Economics is hereby vested with

1 the duties, powers, and responsibilities involved in the enforce-
2 ment of laws, and in the promulgation of rules and regulations
3 under such laws, concerned with employer-employee relationships,
4 including the safety, hours of work, wages, and conditions of
5 workers, including women and children; the accumulation, analysis,
6 and reporting of labor and industrial statistics; the inspection
7 of weights and measures; the operation of systems of workmen's
8 compensation and unemployment insurance; and the budgeting,
9 clerical and administrative services for regulatory agencies and
10 professional and occupational licensing boards not otherwise
11 provided for in this Act. The Department also is hereby vested
12 with the duties, powers, and responsibilities involved in making
13 veterans' loans and in the enforcement of state laws regulating
14 public utilities and other public service enterprises; banking
15 and securities institutions; insurance companies; other businesses
16 and enterprises touched with a public interest; and the promotion
17 and development of tourism and civil aviation. All functions and
18 authority heretofore performed and exercised by the Employment
19 Security Commission, the Director of Employment Security, the
20 Alaska Territorial Employment Service, the Territorial Advisory
21 Council; the Alaska World War II Veterans' Board, the Commissioner
22 of Veterans' Affairs; the Alaska Housing Authority; the Alaska
23 Safety Council and Executive Board, the Safety Director; the
24 Weights and Measures Division of the Department of Territorial
25 Police, the Inspector of Weights and Measures; the Department of
26 Labor, the Commissioner of Labor; the Alaska Industrial Board; the
27 Board for the Care of Sick and Disabled Fishermen; the Alaska
28 Insurance Commission, the Commissioner of Insurance; the Territor-
29 ial Banking Board; the Alaska Real Estate Commission; and the

1 Board of Administration with respect to business tax incentives
2 are hereby transferred to the Department of Labor and Economics.

3 There is hereby created within the Department of Labor and
4 Economics an Employment Security Advisory Council consisting of
5 five members appointed by the Governor for overlapping five-year
6 terms, two members to represent employers, two to represent
7 employees, and one to represent the general public.

8 There is hereby created within the Department of Labor and
9 Economics an Alaska State Housing Authority consisting of three
10 members appointed for overlapping three-year terms; and the
11 corporate status heretofore vested in the Alaska Housing Authority
12 together with all its rights, duties, powers, functions, assets,
13 liabilities, debts, and claims is hereby transferred to the
14 Alaska State Housing Authority.

15 Sec. 14. DEPARTMENT OF MILITARY AFFAIRS. There shall be a
16 principal executive officer of the Department of Military Affairs
17 to be known as the Adjutant General.

18 The Department of Military Affairs is hereby vested with the
19 duties, powers, and responsibilities involved in the conduct of
20 military affairs of the State as prescribed by the Military Code
21 of Alaska. The functions and authority heretofore performed and
22 exercised by the Military Department and the Adjutant General,
23 except those relating to the Alaska Surplus Property Service, are
24 hereby transferred to the Department of Military Affairs.

25 Sec. 15. DEPARTMENT OF NATURAL RESOURCES. There shall be a
26 principal executive officer to be known as the Commissioner of
27 Natural Resources.

28 The Department of Natural Resources is hereby vested with
29 the duties, powers, and responsibilities involved in the adminis-

1 tration of the entire state program for the conservation and
2 development of the State's natural resources including forests,
3 recreational areas, lands, waters, agriculture, soil conservation
4 and minerals including petroleum and natural gas; but excluding
5 commercial fisheries, sport fish, game, and fur-bearing animals
6 in their natural state. The functions and authority heretofore
7 performed and exercised by the Department of Lands, the Land
8 Board, and the Director of Lands; by the Department of Mines, the
9 Commissioner of Mines, the Coal Miners' Examining Board, and the
10 Oil and Gas Conservation Commission; and by the Alaska Resource
11 Development Board and its Executive Director; the Soil Conserva-
12 tion Board, by the Department of Agriculture, and by the
13 Commissioner of Agriculture, except those relating to public
14 health, are hereby transferred to the Department of Natural
15 Resources.

16 Sec. 16. DEPARTMENT OF FISH AND GAME. There shall be a
17 principal executive officer of the Department of Fish and Game to
18 be known as the Commissioner of Fish and Game.

19 The Department of Fish and Game is hereby vested with the
20 duties, powers, and responsibilities involved in the administration
21 of the entire state program for the conservation and development
22 of the State's commercial fisheries, sport fish, game and fur-
23 bearing animals. The functions and authority heretofore performed
24 and exercised by the Alaska Department of Fish and Game, the Alaska
25 Fish and Game Commission, the Director of the Alaska Department of
26 Fish and Game, the Fisheries Experimental Commission, and the
27 Treasurer with respect to bounty programs are hereby transferred to
28 the Department of Fish and Game.

29 There is hereby created a Board of Fish and Game consisting

1 of eight members, appointed for overlapping four-year terms. The
2 principal executive officer shall not be a member of the Board but
3 shall be ex-officio secretary and have the right to cast tie-
4 breaking votes only. The Board members shall be appointed by the
5 Governor and confirmed by the Legislature without regard to
6 political affiliation.

7 The Governor shall appoint the Commissioner of Fish and Game
8 from a list of qualified persons nominated by the Board of Fish
9 and Game, subject to the right of the Governor to request addi-
10 tional nominations. The appointment shall be subject to confirma-
11 tion by a majority of the members of the Legislature in joint
12 session. The Commissioner of Fish and Game shall serve for a
13 term of 5 years. In the event of a vacancy in the office of
14 Commissioner of Fish and Game a successor shall be appointed, in
15 the manner provided for the regular appointment, to fill the
16 unexpired term.

17 The Board of Fish and Game shall have rule-making powers, as
18 hereinafter provided, but shall not have administrative, budgeting,
19 or fiscal powers and such administrative, budgeting and fiscal
20 power shall reside in the Commissioner of Fish and Game. The
21 Board may meet at any time on the call of the Commissioner or at
22 request of any two of the members.

23 The Board of Fish and Game shall have the authority to make
24 such rules and regulations as it deems advisable for (1) the
25 setting apart of fish and game reserve areas, refuges and sanctu-
26 aries in any of the waters or on any of the lands of Alaska over
27 which it has jurisdiction; (2) establishing open and closed
28 seasons for fish and game; (3) establishing the means and methods
29 employed in the pursuit, capture, and transport of fish and game;

1 and (4) setting quotas and bag limits on the taking of fish and
2 game. In the event of a conflict between the Board and the
3 Commissioner on proposed rules and regulations, public hearings
4 shall be held concerning the issues in question. If, subsequent
5 to the public hearings, the Board and the Commissioner continue
6 to disagree, the issue shall be certified in writing by the Board
7 and the Commissioner to the Governor who shall make a decision,
8 which decision shall be final.

9 The Board shall authorize the Commissioner to promulgate,
10 during such times as the Board is not in session, emergency rules
11 or regulations as may be necessary and within the scope of
12 authority of the Board.

13 Sec. 17. DEPARTMENT OF PUBLIC SAFETY. There shall be a
14 principal executive officer of the Department of Public Safety to
15 be known as the Commissioner of Public Safety.

16 The State Department of Public Safety is hereby vested with
17 the duties, powers, and responsibilities involved in administering
18 functions relative to the protection of life and property. The
19 functions and authority heretofore performed and exercised by the
20 Department of Territorial Police, except those having to do with
21 weights and measures inspection; by the Police Commission; by the
22 Superintendent of Police; by the Fire Marshal; and by the Depart-
23 ment of Civil Defense are hereby transferred to the Department of
24 Public Safety.

25 Sec. 18. DEPARTMENT OF PUBLIC WORKS. There shall be a
26 principal executive officer of the Department of Public Works to
27 be known as the Commissioner of Public Works.

28 The Department of Public Works is hereby vested with the
29 duties, powers, and responsibilities involved in the construction,

1 maintenance, and operation of all state highways, ferries, roads,
2 bridges, traffic signs and signals, airports, docks, floats, break-
3 waters, buildings and other like facilities; and in the supervision
4 and maintenance of all state equipment, including aircraft, vessels,
5 and automotive and mechanical equipment. The functions and
6 authority heretofore performed and exercised by the Alaska Highway
7 and Public Works Department, the Alaska Highway and Public Works
8 Board, and the Alaska Highway and Public Works Commissioner; by
9 the Department of Aviation, the Aeronautics and Communications
10 Commission, the Director of Aeronautics, and the Supervisor of
11 Communications with respect to the construction, maintenance, and
12 operation of airports and the installation, maintenance, and
13 operation of communications equipment; by the Department of Finance
14 relating to the management, care, and custody of buildings; and
15 by the Board of Education relating to the construction and
16 maintenance of school buildings are hereby transferred to the
17 Department of Public Works.

18 Sec. 19. INTERIM BOARDS. The Governor shall have the
19 authority to establish such interim advisory boards as he may
20 deem necessary, prescribe their functions, authority, and compen-
21 sation; provided, however, no interim board shall remain in exist-
22 ence for a term extending beyond the next regular or reconvened
23 session of the Legislature.

24 Sec. 20. TRANSFER OF FUNCTIONS. Any department to which
25 the functions, powers, and duties of a previously existing depart-
26 ment or other agency are by this Act assigned and transferred
27 shall, for the purpose of succession to all rights, powers, duties,
28 and obligations of the former department or agency, be deemed and
29 held to constitute a continuation of the former department or

1 agency, with the same force and effect as if the functions, powers,
2 and duties had not been assigned or transferred. Whenever any
3 such former agency is referred to by law, contract, or document,
4 such reference shall be deemed to apply to the department in
5 which the functions of such agency are vested by the terms of this
6 Act.

7 Sec. 21. TRANSFER OF RECORDS AND EQUIPMENT. Upon the trans-
8 fer of functions as provided by this Act, all contracts, books,
9 papers, maps, plans, documents, property, and pending business
10 theretofore made, used, acquired, or conducted by any previously
11 existing agency in the exercise of the functions transferred shall
12 be transferred to the department succeeding to such functions.

13 Sec. 22. TRANSFER OF OFFICERS AND EMPLOYEES. All officers
14 and employees whose functions are transferred by this Act from an
15 existing department or agency to a different department created
16 or continued by the terms of this Act shall be transferred with
17 their functions to the department in which their functions, or a
18 major part thereof, are hereby vested, and shall so far as prac-
19 ticable continue to perform their usual duties, subject to the
20 provisions of state personnel laws. The head of each department,
21 in the interest of improved departmental management and subject
22 to the provisions of the state personnel laws and the approval of
23 the Commissioner of Administration, shall have the power to
24 abolish unnecessary offices and positions, to transfer officers
25 and employees between positions, and to change the duties, titles,
26 and compensation of existing offices and positions.

27 Sec. 23. PROSECUTIONS AND CIVIL ACTIONS. No offense com-
28 mitted and no penalty or forfeiture incurred under any of the acts
29 hereby repealed, before the time when this Act shall take effect,

1 shall be affected by the Act except that whenever any punishment,
2 penalty, or forfeiture shall be mitigated by the provisions of
3 this Act, such provision may be extended and applied to any
4 judgment to be pronounced after the passage of this Act. No suit
5 or prosecution pending at the time this Act takes effect shall be
6 affected by this Act except that proceedings in such cases shall
7 be made to conform as necessary to the provisions of this Act.
8 The right of administrative officers to institute proceedings for
9 prosecution for an offense or an action to recover a penalty or
10 forfeiture, as now or hereafter provided by law for any agency or
11 officer, shall henceforth be vested in the head of the department
12 or some person designated by him or as may be directed by law.

13 Sec. 24. OATHS OF OFFICE. Department heads and members of
14 boards provided for in this Act shall, before entering upon the
15 duties of their respective offices, take, subscribe to, and file
16 an oath of office as is required by the Constitution.

17 Sec. 25. SURETY BONDS. Heads of departments and subordinate
18 officials shall furnish surety bonds in such instances and in such
19 amounts as required by law or otherwise determined by the Governor
20 upon recommendation of the Commissioner of Administration. Such
21 bonds shall be paid for by the State and shall be in such form
22 as the Attorney General shall approve.

23 Sec. 26. AGENCIES AND OFFICES ABOLISHED. The agencies and
24 offices hereinafter named are hereby abolished.

25 The Department of Finance, the Director of Finance, the
26 Budget Officer, and the Controller; the Treasurer; the Board of
27 Administration; the Board of Review; the Finance Committee of
28 Alaska; the Board of Examiners; the Attorney General; the Board
29 of Commissioners for the Promotion of Uniform Legislation; the

1 Canvassing Board; the Department of Taxation and the Commissioner
2 of Taxation; the Board of Liquor Control; the Department of
3 Education, the Board of Education, the Board of Vocational
4 Rehabilitation, the Board of Vocational Education, the Teachers'
5 Retirement Board, the Commissioner of Education, and the Textbook
6 Commission; the Alaska Office of Vocational Rehabilitation and
7 the Director; the Alaska Office of Vocational Education; the
8 Historical Library and Museum Commission and the Librarian and
9 Curator; the Department of Library Service, the Board of Library
10 Service, and the Librarian; the Department of Public Welfare, the
11 Board of Public Welfare, and the Commissioner of Public Welfare;
12 the Board of Trustees of Alaska Pioneers' Home and the Super-
13 intendent of the Pioneers' Home; the Board for the Care of Sick
14 and Disabled Fishermen; the Alaska Department of Health, the
15 Board of Health, and the Commissioner of Health; the Water Pollu-
16 tion Control Board; the Hospital Advisory Council; the Board of
17 Juvenile Institutions; the Employment Security Commission, the
18 Employment Security Director, the Alaska Territorial Employment
19 Service, and the Territorial Advisory Council; the Alaska Indus-
20 trial Board; the Department of Labor and the Commissioner of
21 Labor; the Veterans' Service Council; the Alaska World War II
22 Veterans' Board and the Commissioner of Veterans' Affairs; the
23 Agricultural Loan Board; the Territorial Banking Board; the Alaska
24 Insurance Commission and the Commissioner of Insurance; the Anti-
25 Monopoly Board; the Alaska Bus Transportation Commission; the
26 Alaska Safety Council and Executive Board, and the Safety Director;
27 the Alaska Rural Development Board; the Alaska Real Estate Com-
28 mission; the Alaska Housing Authority and the Commissioners of
29 the Authority; the Military Department, the Adjutant General, and

1 the Alaska Surplus Property Service; the Department of Agriculture
2 and the Commissioner of Agriculture; the Conservation Advisory
3 Committee; the Alaska Soil Conservation Board; the Department of
4 Mines and the Commissioner of Mines; the Alaska Ingot Examining
5 Board; the Alaska Fish and Game Department, the Alaska Fish and Game
6 Commission, and the Director of Fish and Game; the Fisheries
7 Experimental Commission; the Alaska Resource Development Board
8 and its Executive Director; the Alaska Oil and Gas Conservation
9 Commission; the Department of Lands, the Alaska Land Board, and
10 the Director of the Department of Lands; the Department of Terri-
11 torial Police, the Police Commissioner, the Superintendent of
12 Police, the Fire Marshal, and the Inspector of Weights and
13 Measures; the Coal Miners' Examining Board; the Department of
14 Civil Defense, the Civil Defense Council, the Director of Civil
15 Defense, and the Deputy Director of Civil Defense; the Alaska
16 Highway and Public Works Department, the Alaska Highway and Public
17 Works Board, and the Alaska Public Works Commissioner; and the
18 Aeronautics and Communications Commission, the Director of Aero-
19 nautics, and the Supervisor of Communications.

20 Sec. 27. APPEALS. The right of appeal to a court of com-
21 petent jurisdiction as provided by law shall not be abridged or
22 impaired by the passage of this Act or by any ruling decision,
23 or order made by any officer or agency.

24 Sec. 28. CONSTRUCTION. This Act shall be liberally construed
25 in aid of its declared purpose, which is the organization of the
26 departments offices, and other administrative agencies of the
27 State to provide a unified, integrated, and comprehensive plan
28 of organization for the exercise of all executive and administra-
29 tive functions of the State. The omission in this Act of any

1 citation of any law which makes it mandatory upon or permissive
2 for any department, division, or other agency to perform functions
3 which by this Act are assigned or transferred and placed in the
4 hands of any other department shall not suspend or annul the
5 right of such department created by this Act to carry out such
6 functions where the obvious intent was for such department to
7 do so. Any administrative functions established by law that may
8 not be specifically enumerated in this Act shall be assigned by
9 the Governor to that department which, in accordance with the
10 purpose of this Act, can most appropriately and effectively per-
11 form such activity.

12 Sec. 29. REPEAL OF CONFLICTING LAWS. All laws and parts of
13 laws in conflict herewith are repealed to the extent of such
14 conflict.

15 Sec. 30. SEPARABILITY. The fact that any section, subsection,
16 sentence, clause, or phrase of this Act is declared invalid for
17 any reason shall not affect the remaining portion of this Act.

18 Sec. 31. EFFECTIVE DATE OF ACT. This Act shall take effect
19 upon its passage and approval or upon becoming law without such
20 approval, but in order that there be no interruption of the
21 administrative business of the State, the Governor may, for a
22 period not to exceed 6 months, postpone the actual transfer of all
23 or a portion of the functions from existing departments and agencies
24 to other departments and agencies until such time as the organiza-
25 tion herein provided can be put into full force and effect. Except
26 as otherwise provided, all officers and heads of existing depart-
27 ments, their subordinates and employees, whose functions and
28 duties are preserved by this Act, shall continue to perform the
29 same from the time this Act takes effect in like manner as though

1 they had been appointed or employed after the passage of this Act
2 until successors to said functions and duties are appointed and
3 qualified.

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