

IN SENATE - Offered: 1/18/83
Referred: State Affairs,
Health, Education & Social
Services and Finance

IN HOUSE -- Offered: 1/17/83
Referred: State Affairs
and Finance

EXECUTIVE ORDER NO. 53

1
2 Under the authority of art. III, sec. 23, of the Alaska Constitution,
3 and in accordance with AS 24.30.130(b), I order the following:

4 * Section 1. FINDINGS. As governor, I find that it would be in the
5 best interests of efficient administration and state planning to merge the
6 division of budget and management and the division of policy development
7 and planning, including the latter's office of coastal management, into an
8 office of management and budget within the Office of the Governor.

9 * Sec. 2. AS 37.07.040 is amended to read:

10 Sec. 37.07.040. OFFICE OF MANAGEMENT AND BUDGET [DIVISION OF
11 BUDGET AND MANAGEMENT]. The Alaska office of management and budget
12 [BUDGET AND MANAGEMENT DIVISION] shall

13 (1) assist the governor in the preparation and explanation
14 of the proposed comprehensive program and financial plan, including
15 the coordination and analysis of state agency goals and objectives,
16 plans, and budget requests;

17 (2) prepare for submission to the governor an annually up-
18 dated six-year capital improvements program and the proposed capital
19 improvements budget for the coming fiscal year, the latter to include
20 individual project justification with documentation of estimated proj-
21 ect cost;

22 (3) develop procedures to produce the information needed
23 for effective policy decision making, including procedures to provide
24 for the dissemination of information about plans, programs, and budget
25 requests to be included in the annual budget and opportunity for pub-
26 lic review and comment during the period of budget preparation;

27 (4) assist state agencies in their statement of goals and
28 objectives, preparation of plans, budget requests, and reporting of
29 program performance; all documents forwarded by the office [DIVISION]

1 to a state agency containing instructions for the preparation of pro-
2 gram plans and budget requests and the reporting of program perfor-
3 mance are public information after the date they are forwarded;

4 (5) administer its responsibilities under the program exe-
5 cution provisions of this chapter so that the policy decisions and
6 budget determinations of the governor and the legislature are imple-
7 mented;

8 (6) provide the legislative finance division with the bud-
9 get information it may request;

10 (7) provide the legislative finance division with an ad-
11 vance copy of the governor's budget workbooks by the first Monday in
12 January of each year, except that following a gubernatorial election
13 year the advance copy shall be provided by the second Monday in Janu-
14 ary.

15 * Sec. 3. AS 37.07.080(b) is amended to read:

16 (b) Each state agency shall prepare an annual plan for the
17 operation of each of its assigned programs except for programs that
18 are exempted from this requirement by the office [DIVISION]. The
19 operations plan shall be prepared in the form and content and be
20 transmitted on the date prescribed by the office [DIVISION].

21 * Sec. 4. AS 37.07.080(c) is amended to read:

22 (c) The office [DIVISION] shall

23 (1) review each operations plan to determine that it is
24 consistent with the policy decisions of the governor and appropria-
25 tions by the legislature, that it reflects proper planning and effi-
26 cient management methods, that appropriations have been made for the
27 planned purpose and will not be exhausted before the end of the fiscal
28 year;

29 (2) approve the operations plan if satisfied that it meets

1 the requirements under (1) of this subsection; otherwise, the office
2 [DIVISION] shall require revision of the operations plan in whole or
3 in part;

4 (3) Repealed by sec. 1 ch 26 SLA 1976.

5 * Sec. 5. AS 37.07.080(e) is amended to read:

6 (e) Transfers or changes between objects of expenditures or be-
7 tween allocations may be made by the head of a state agency upon ap-
8 proval of the office [DIVISION]. No transfers may be made between ap-
9 propriations except as provided in an act making the transfers between
10 appropriations.

11 * Sec. 6. AS 37.07.080(f) is amended to read:

12 (f) The office [DIVISION] shall report quarterly to the governor
13 and the legislature on the operations of each state agency, relating
14 actual accomplishments to those planned and modifying, if necessary,
15 the operations plan of any agency for the balance of the fiscal year.

16 * Sec. 7. AS 37.07 is amended by adding a new section to read:

17 Sec. 37.07.090. DEFINITION. In AS 37.07, "office" means the
18 Alaska office of management and budget established in the Office of
19 the Governor by AS 44.19.141.

20 * Sec. 8. AS 44.19.141 is amended to read:

21 ARTICLE 12. OFFICE OF MANAGEMENT AND BUDGET [DIVISION
22 OF POLICY DEVELOPMENT AND PLANNING].

23 Sec. 44.19.141. ALASKA OFFICE OF MANAGEMENT AND BUDGET [DIVISION
24 OF POLICY DEVELOPMENT AND PLANNING]. There is in the Office of the
25 Governor the Alaska office of management and budget [DIVISION OF
26 POLICY DEVELOPMENT AND PLANNING].

27 * Sec. 9. AS 44.19.142 is amended to read:

28 Sec. 44.19.142. DIRECTOR. The office of management and budget
29 [DIVISION OF POLICY DEVELOPMENT AND PLANNING] is administered by a

1 director who is appointed by, and serves at the pleasure of, the gov-
2 ernor.

3 * Sec. 10. AS 44.19.143 is amended to read:

4 Sec. 44.19.143. PERSONNEL. The director shall employ such per-
5 sonnel as may be necessary to carry out the provisions of AS 44.19.-
6 141 -- 44.19.152 and the relevant provisions of AS 37.07.

7 * Sec. 11. AS 44.19.144 is amended to read:

8 Sec. 44.19.144. POWERS AND DUTIES OF THE DIRECTOR. (a) The di-
9 rector shall

10 (1) supervise and administer the activities of the office
11 [DIVISION];

12 (2) advise the governor on matters of comprehensive state
13 planning;

14 (3) make an annual report to the governor of the activities
15 of the office [DIVISION].

16 (b) The director may

17 (1) with the written concurrence of the governor, enter in-
18 to contracts and subcontracts on behalf of the state to carry out the
19 provisions of AS 44.19.141 -- 44.19.152;

20 (2) act for the state in the initiation, investigation,
21 evaluation of or participation in any program relative to the stated
22 purpose of AS 44.19.141 -- 44.19.152 which may involved more than one
23 government or governmental unit;

24 (3) on behalf of the state, accept and expend any gifts or
25 grants made to the state with the approval of the governor where such
26 gifts or grants were made for the purposes of furthering the objec-
27 tives of the office [DIVISION].

28 * Sec. 12. AS 44.19.145 is amended to read:

29 Sec. 44.19.145. FUNCTIONS AND DUTIES OF THE OFFICE [DIVISION].

1 (a) The office [DIVISION] shall

2 (1) provide technical assistance to the governor and the
3 legislature in identifying long range goals and objectives for the
4 state and its political subdivisions;

5 (2) prepare and maintain a state comprehensive development
6 plan;

7 (3) provide information and assistance to state agencies to
8 aid in governmental coordination and unity in the preparation of agen-
9 cy plans and programs;

10 (4) review planning within state government as may be nec-
11 essary for receipt of federal, state or other funds;

12 (5) Repealed by sec. 10 ch 200 SLA 1972, effective July 1,
13 1972.

14 (6) participate with other countries, provinces, states or
15 subdivisions of them [THEREOF] in international or interstate plan-
16 ning, and assist Alaska's local governments, governmental conferences
17 and councils, in planning and coordinating their activities;

18 (7) Repealed by sec. 2 ch 60 SLA 1972.

19 (8) encourage educational and research programs that fur-
20 ther state planning and development, and provide administrative and
21 technical services for them;

22 (9) publish such statistical information or other documen-
23 tary material as will further the provisions and intent of AS 44.19.-
24 141 -- 44.19.152;

25 (10) assist the governor and the Department of Community and
26 Regional Affairs in coordinating the activities of state agencies
27 which have an impact on the solution of local and regional development
28 problems;

29 (11) serve as a clearinghouse for information, data, and

1 other materials which may be helpful or necessary to federal, state or
2 local governmental agencies in discharging their respective responsi-
3 bilities or in obtaining federal or state financial or technical as-
4 sistance;

5 (12) review all proposals for the location of capital im-
6 provements by any state agency and advise and make recommendations
7 concerning location of these capital improvements;

8 (13) perform the state's review and comment on federal con-
9 sistency determinations and certifications authorized by sec. 307 of
10 the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. sec.
11 1456, and the state coastal management program.

12 (b) The office [DIVISION] shall, in carrying out its functions,
13 consult with local, regional, state and federal officials, private
14 groups and individuals, and with officials[,] of other countries,
15 provinces and states, and may hold public hearings to obtain informa-
16 tion for the purpose of carrying out the provisions of AS 44.19.141 --
17 44.19.152.

18 (c) The governor may establish coordinating or advisory planning
19 groups.

20 (d) The office [DIVISION] shall

21 (1) coordinate its services and activities with those of
22 other state departments and agencies to the fullest extent possible to
23 avoid duplication;

24 (2) prepare an integrated annual report on the long-range
25 development program of the state and submit it to the governor for in-
26 corporation into his report to the legislature;

27 (3) cooperate with the University of Alaska and other ap-
28 propriate public and private institutions in research and investiga-
29 tions.

1 * Sec. 13. AS 44.19.152 is amended to read:

2 Sec. 44.19.152. DEFINITIONS. In AS 44.19.141 -- 44.19.152,

3 (1) ["DIVISION" MEANS THE DIVISION OF POLICY DEVELOPMENT
4 AND PLANNING;]

5 (2) "director" means the director of the office of manage-
6 ment and budget; [DIVISION OF POLICY DEVELOPMENT AND PLANNING.]

7 (3) "office" means the Alaska office of management and bud-
8 get.

9 * Sec. 14. AS 44.19.155(a)(2)(A) is amended to read:

10 (A) the director of the office of management and bud-
11 get [DIVISION OF POLICY DEVELOPMENT AND PLANNING];

12 * Sec. 15. AS 44.19.155(d) is amended to read:

13 (d) Each member of the council shall select one person to serve
14 as a permanent alternate at meetings of the council. If a member of
15 the council is unable to attend, he shall advise the alternate who may
16 attend and act in the place of the member. The alternate for a public
17 member appointed after July 9, 1978 under (a)(1) of this section
18 shall, at the time of his designation and throughout the period of his
19 service as a permanent alternate, be the mayor or member of the assem-
20 bly or council of a municipality within the region from which the per-
21 manent member is appointed. The alternate for the director of the
22 office of management and budget, serving under (a)(2)(A) of this sec-
23 tion, shall be the director's designee within that office. The alter-
24 nate for a designated member serving under (a)(2)(B) -- (G) of this
25 section shall be a deputy commissioner of the department or the direc-
26 tor of a division in the department. The names of alternates shall be
27 filed with the council.

28 * Sec. 16. AS 44.19.162 is amended to read:

29 Sec. 44.19.162. COUNCIL STAFF. The council shall use [UTILIZE]

1 the staff of the office of coastal management within the office of
2 management and budget [DIVISION OF POLICY DEVELOPMENT AND PLANNING] in
3 discharging its powers and duties. The coordinator of the office of
4 coastal management, under the direction of the council co-chair who is
5 selected from among the members designated in AS 44.19.155(a)(2) [
6 WITH THE CONCURRENCE OF THE COUNCIL], may contract with or employ per-
7 sonnel or consultants the coordinator [HE] considers necessary to car-
8 ry out the powers and duties of the council.

9 * Sec. 17. AS 44.83.030(2) is amended to read:

10 (2) the director of the office of [DIVISION OF BUDGET AND]
11 management and budget, or the director's designee within that office,
12 and three commissioners of principal executive departments appointed
13 by the governor.

14 * Sec. 18. TRANSITION. All litigation, hearings, investigations and
15 other proceedings pending under a law amended or repealed by this Order, or
16 in connection with functions transferred by this Order, continue in effect
17 and may be continued and completed notwithstanding a transfer or amendment
18 or repeal provided for in this Order. Certificates, orders, and regula-
19 tions issued or adopted under authority of a law amended or repealed by
20 this Order remain in effect for the term issued, or until revoked, vacated,
21 or otherwise modified under the provisions of this Order. All contracts,
22 rights, liabilities, and obligations created by or under a law amended or
23 repealed by this Order, and in effect on the effective date of this Order,
24 remain in effect notwithstanding this Order's taking effect. Records,
25 equipment, and other property of agencies of the state whose functions are
26 transferred under this Order shall be transferred commensurate with the
27 provisions of this Order.

28 * Sec. 19. NAME CHANGE. To be consistent with the changes made by this
29 Order, wherever in the Alaska Statutes and in regulations adopted under

1 those statutes "division of budget and management" and "division of policy
2 development and planning," and other terms identifying those divisions, are
3 used, they must be read as referring to the office of management and bud-
4 get. Similarly, references to the directors of those divisions must be
5 read as references to the director of the office of management and budget.
6 Under AS 01.05.031, the revisor of statutes shall implement this section in
7 the statutes, and, under AS 44.62.125(b)(6), the regulations attorney shall
8 implement this section in the administrative regulations.

9 * Sec. 20. This Order takes effect March 18, 1983.

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11 DATED: Jan 17, 1983

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13 Bill Sheffield
14 Bill Sheffield
15 Governor

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