

EXEC.

ORDER

42

1/14/80  
Referred: Judiciary

EXECUTIVE ORDER NO. 42

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(1), I order the following:

\* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to transfer the Public Defender's Office from the governor's office to the Department of Administration.

\* Sec. 2. AS 18.85.010 is amended to read:

Sec. 18.85.010. PUBLIC DEFENDER AGENCY ESTABLISHED. There is created in the Department of Administration [OFFICE OF THE GOVERNOR] a Public Defender Agency to serve the needs of indigent defendants.

\* Sec. 3. AS 39.25.120(5) is amended to read.

(5) all employees of the Office of the Governor and the lieutenant governor, including the staff of the governor's mansion [AND THE ATTORNEY MEMBERS OF THE STAFF OF THE PUBLIC DEFENDER AGENCY, BUT NOT INCLUDING THE NONATTORNEY MEMBERS OF THE STAFF OF THAT AGENCY];

\* Sec. 4. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the attorney members, but not the non-attorney members, of the staff of the public defender agency in the Department of Administration.

\* Sec. 5. This order takes effect July 1, 1980.

DATED: January 14, 1980  
Juneau, Alaska

s/ JSH  
Jay S. Hammond  
Governor



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 14, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting to you Executive Orders No. 41, 42, 43, 44, 45 and 46, dated January 14, 1980. Under that constitutional provision, the legislature has 60 days of a regular session, or a full session if of shorter duration, to disapprove these executive orders.

These orders would transfer, for administrative purposes, the following six agencies from the Office of the Governor (and, in the case of the Alaska Public Offices Commission, the Office of the Lieutenant Governor) to several of the line departments:

<u>Agency</u>	<u>Transferred To</u>
Alaska Public Offices Commission	Department of Administration
Public Defender Agency	Department of Administration
Alaska Historical Commission	Department of Education
Alaska State Council on the Arts	Department of Education
Alaska Police Standards Council	Department of Public Safety
Alaska Council on Science and Technology	Department of Environmental Conservation

You may recall that several years ago a "Management and Efficiency Review" of the Executive Branch of State government was conducted at my request, by a group of top-level Alaska business executives. More than 75 per cent of the recommendations the review team made have either been addressed or implemented. One of the key recommendations was to reduce the excessive involvement of my office in program operations by transferring a number of the commissions, councils and agencies reporting to the Office of the Governor, to departments with related responsibilities. A number of programs and agencies have been

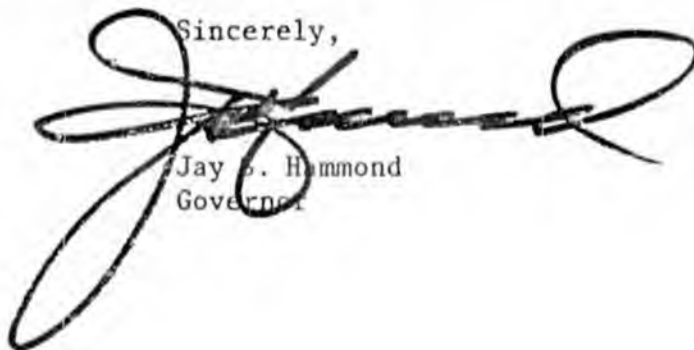
transferred since this recommendation was made in 1976; nine more, including the six covered by these executive orders, are proposed for relocation July 1, 1980. The three entities not included here, (Limited Entry Commission, Criminal Justice Planning Agency and Pipeline Coordinator's Office) are not statutorily located in the Office of the Governor and therefore do not require relocation by executive order.

My goal in completing the reorganization recommended by the "Management and Efficiency Review" team, is to limit, to the maximum extent permissible, the activities of my office to direction of the executive branch and policy development. Program operations should be performed by line agencies. The Lieutenant Governor fully concurs with my philosophy.

Let me stress that these transfers do not reflect a lack of concern for the programs being transferred nor are they intended to grant to the line departments any authority over the activities of these agencies not now provided by law. The line departments will only assume responsibility for providing the administrative support now provided by my office.

The executive orders amend the statutes to specify the new location for each of these entities and recodify the remainder of the existing statutes accordingly. The new provisions are virtually identical to those being repealed with the following exception. Executive Order No. 46, in relocating AS 44.19.181(a), amends the substance of that subsection by deleting the present third sentence which reads: "Appointees to the council shall be confirmed by a majority of the legislature". This provision is invalid under art. III of the Alaska Constitution and Bradner v. Hammond, 553 P. 2d 1 (Alaska 1976).

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Jay S. Hammond  
Governor