

EXECUTIVE

ORDERS

42, 45, 47

January 30, 1980

Clem V. Tillion,
President of the Senate
Room 101 Capital Building
Juneau, Alaska

Dear Mr. President:

On January 29, 1980, the Senate Judiciary Committee considered Executive Orders 42, 45 and 47, all of which are to become effective July 1 of this year.

The orders respectively involve transferring the Public Defender's Office from the Governor's Office to the Department of Administration, transferring the Alaska Police Standards Council from the Office of the Governor to the Department of Public Safety, and transferring the recording function and the Uniform Commercial Code filing function from the Department of Commerce and Economic Development to the Department of Natural Resources.

All agencies and departments concerned were notified of the hearing and personal contact was made with each; no objections to any of the Executive Orders were made.

The Committee therefore feels that the Executive Orders should take effect as the Governor has ordered.

Respectfully submitted,



SENATOR ZIEGLER, CHAIRMAN



SENATOR BENNETT, MEMBER



SENATOR DANKWORTH, MEMBER



SENATOR MELAND, MEMBER



SENATOR RAY, MEMBER

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SENATOR BENNETT, MEMBER



SENATOR MELAND, MEMBER

SENATE & HOUSE JOINT
JOURNAL SUPPLEMENT

January 14, 1980

Monday

No. 1

EXECUTIVE ORDER NO. 62

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), 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 Alaska Public Offices Commission from the lieutenant governor's office to the Department of Administration.

* Sec. 2. AS 15.13.020(a) is amended to read:

(a) There is created in the Department of Administration [OFFICE OF THE LIEUTENANT GOVERNOR] the Alaska Public Offices Commission consisting of five members.

* Sec. 3. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the executive director and staff of the Alaska Public Offices Commission.

* Sec. 4. Administrative regulations of the Alaska Public Offices Commission, currently located in Title 6 of the Alaska Administrative Code, remain in effect and are to be relocated to Title 2 (Department of Administration).

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

DATED: January 14, 1980
Juneau, Alaska

s/ JSW

Jay M. Hammond
Governor

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(b), 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/ JSR
Jay B. Hammond
Governor

EXECUTIVE ORDER NO. 43

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), 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 Alaska Historical Commission from the governor's office to the Department of Education.

* Sec. 2. AS 44.19.461 -- 44.19.501 are repealed.

* Sec. 3. AS 44.27 is amended by adding new sections to read:

ARTICLE 2. ALASKA HISTORICAL COMMISSION.

Sec. 44.27.040. CREATION. There is created in the Department of Education the Alaska Historical Commission.

Sec. 44.27.050. COMPOSITION. The Alaska Historical Commission consists of four members appointed by the governor, ex officio the lieutenant governor, and ex officio the executive director who may not vote. The lieutenant governor shall serve as chairman.

Sec. 44.27.060. APPOINTMENT. The governor shall make his appointments from a list of recommended nominees submitted to him each year by the Alaska Historical Society. In the first year of the commission the list of nominees shall contain at least eight names and in each subsequent year the list shall contain at least four names. A person who has served on the commission may be renominated.

Sec. 44.27.070. TERMS OF OFFICE. The term of office for each appointed member of the commission is two years; however, of the members first appointed, two shall serve for one year and two shall serve for two years. When a member's term has expired and a replacement has not been appointed, the member shall continue to serve until a replacement is appointed.

Sec. 44.27.080. COMPENSATION. The members of the commission are not entitled to receive compensation for their services, but they are entitled to receive the same travel pay and per diem as state officials and employees.

Sec. 44.27.090. DUTIES OF THE COMMISSION. The duties of the commission are to

- (1) survey, evaluate, and catalog Alaska prehistory and history materials now in print;
- (2) ascertain and register what Alaska prehistory and history work is now in progress;
- (3) identify the existing gaps in the coverage of Alaska's past in presently available published works and establish priorities for bridging them;
- (4) prepare a thematic study of Alaska's history for historic preservation;
- (5) identify the sources of Alaska's history;
- (6) coordinate the production and publication of works that will adequately present all aspects of Alaska's past; and

EXECUTIVE ORDER NO. 44

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), 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 Alaska State Council on the Arts from the governor's office to the Department of Education.

* Sec. 2. AS 39.50.200(9)(J) is amended to read:

(B) Alaska State Council on the Arts (AS 44.27.040)
[(AS 44.19.900)];

* Sec. 3. AS 44.19.900 -- 44.19.950 are repealed.

* Sec. 4. AS 44.27 is amended by adding new sections to read:

ARTICLE 2. ALASKA STATE COUNCIL ON THE ARTS.

Sec. 44.27.040. CREATION. There is created in the Department of Education an Alaska State Council on the Arts.

Sec. 44.27.050. COMPOSITION. The Alaska State Council on the Arts consists of 11 members, broadly representative of all fields of the performing, visual, and fine arts, who are widely known for their competence and experience or interest in connection with the performing, visual, and fine arts.

Sec. 44.27.060. APPOINTMENT. The members are to be appointed by the governor from among citizens of Alaska. In making the appointments, consideration must be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing, visual, and fine arts generally. In making the appointments consideration must also be given to having state-wide geographical representation on the council. The members of the council serve at the pleasure of the governor and their appointments are not subject to legislative confirmation.

Sec. 44.27.070. TERMS OF OFFICE. The term of office of each member is three years; however, of the members first appointed, three are to be appointed for terms of one year, four for terms of two years, and four for terms of three years. All vacancies are to be filled for the balance of the unexpired term in the same manner as original appointments.

Sec. 44.27.080. COMPENSATION. The members of the council are not entitled to receive compensation for their services, but they are entitled to receive the same travel pay and per diem as provided by law for board members.

Sec. 44.27.090. CHAIRMAN AND VICE-CHAIRMAN. The governor shall designate a chairman and a vice-chairman from the members of the council to serve as such at the pleasure of the governor. The chairman shall be the chief executive officer of the council.

Sec. 44.27.100. DUTIES OF COUNCIL. The duties of the council are

- (1) to stimulate and encourage throughout the state the study and presentation of the performing, visual, and fine arts and public interest and participation;
- (2) to make surveys, which are considered advisable, of public and private institutions engaged in the state in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;
- (3) to take steps necessary and appropriate to encourage public interest in the cultural heritage of our state and to expand the state's cultural resources;
- (4) to encourage and assist freedom of artistic expression essential for the well being of the arts;
- (5) to recommend to the governor a list of persons for consideration for appointment to the Advisory Council on Cultural Facilities, in accordance with AS 44.33.400.

Sec. 44.27.110. POWERS OF COUNCIL. The council is authorized and empowered to hold public and private hearings, to enter into contracts, within the limit of funds available, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs; to accept gifts, contributions, and bequests of

unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs; to make and sign -- agreements and to do and perform any acts necessary to carry out the purposes of AS 44.27.040 -- 44.27.140. The council may request and is entitled to receive from any department, division, board, bureau, commission, or agency of the state the assistance and data which will enable it properly to carry out its powers and duties. The council is authorized to receive state funds made available for its purposes.

Sec. 44.27.120. POWERS OF CHAIRMAN. Subject to available appropriations the chairman may, with the concurrence of a majority of the council, employ necessary personnel and may contract for the services of experts and other persons who may be needed.

Sec. 44.27.130. REPORTS. The council shall report to the governor and the legislature not later than November 1, 1966, and from time to time thereafter.

Sec. 44.27.140. NATIONAL ENDOWMENT FUNDS. The council is the official agency of this state to receive and disburse funds made available by the National Endowment for the Arts.

* Sec. 5. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the chief executive officer, but not other staff, of the Alaska State Council on the Arts.

* Sec. 6. Contracts and proceedings entered into by the council are not affected by the relocation made by this order.

* Sec. 7. This order takes effect July 1, 1980.

DATED: January 14, 1980
Juneau, Alaska

s/ JBH
Jay S. Hammond
Governor

EXECUTIVE ORDER NO. 45

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), 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 Alaska Police Standards Council from the governor's office to the Department of Public Safety.

* Sec. 2. AS 18.65.140 is amended to read:

Sec. 18.65.140. CREATION. There is created in the Department of Public Safety [OFFICE OF THE GOVERNOR] the Alaska Police Standards Council.

* Sec. 3. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the administrator of the Alaska Police Standards Council.

* Sec. 4. Administrative regulations of the Alaska Police Standards Council, currently located in Title 6 of the Alaska Administrative Code, remain in effect and are to be relocated to Title 13 (Department of Public Safety).

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

DATED: JANUARY 14, 1980
Juneau, Alaska

/s/ JSH
Jay S. Hammond
Governor

EXECUTIVE ORDER NO. 46

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

* Section 1. FINDINGS. As governor, I find that it would be in the best interest of efficient administration to transfer the Alaska Council on Science and Technology from the governor's office to the Department of Environmental Conservation.

* Sec. 2. AS 44.19.181 -- 44.19.189 are repealed.

* Sec. 3. AS 44.46 is amended by adding new sections to read:

ARTICLE 4. ALASKA COUNCIL ON SCIENCE AND TECHNOLOGY.

Sec. 44.46.070. COUNCIL ESTABLISHED. (a) There is established in the Department of Environmental Conservation the Alaska Council on Science and Technology. The council consists of seven members who are appointed by the governor upon the recommendations of the state's scientific, engineering, and related communities and organizations. Members have overlapping three-year terms, except that, of the first members, two have terms of one year, two have terms of two years, and three have terms of three years. Two members shall be selected from different executive departments of state government having significant research activities, two members shall be selected from the Alaska academic community, two members shall have significant activities or direct interests in research and shall be selected from the general public, and one member shall be selected from the staff of the legislature. The council shall elect one of its members as chairman. A chairman may be elected for successive terms as chairman and serves until his successor is designated. Four members constitute a quorum.

(b) Council members receive no compensation but are entitled to the travel and per diem provided by law for members of boards or commissions.

Sec. 44.46.080. PURPOSE, POWERS, AND DUTIES. (a) The purpose of the council is to review and recommend the scientific and technological research needs of state government, to issue research grants and contracts, to oversee the issued grants and contracts, to promote high standards of research for the priorities proposed by the council, and to address stated legislative or administrative requests for research.

(b) The council may

- (1) apprise itself of local, state, federal, and private research programs, activities, and needs;
- (2) convene committees, task forces, conferences, public hearings, and other meetings necessary to carry out the council's purposes;
- (3) award research grants and contracts on a fair and competitive basis and administer those grants and contracts;
- (4) enter into agreements creating one or more systems of information exchange with any appropriate research funding sources;

(5) at the request of any state agency, enter into and administer, but not perform, the research under research grants and contracts funded by that state agency;

(6) investigate the need for and when necessary establish advisory committees for reviewing its program;

(7) request and receive from any agency of the state government the assistance and data needed to carry out the requirements of this section;

(8) hire an executive director and staff that may be necessary to implement AS 44.46.070 -- 44.46.110.

(c) The council shall

(1) develop methods of surveying research needs of the state, based on the present and future information needs of policy makers, state agencies, and the public at large;

(2) annually review the research needs and propose priorities for funding;

(3) annually submit to the governor and the legislature the findings of the council, including a listing, description, ranking, and justification of research needs, and a commentary on significant research activities of the preceding year funded by the state and including the relationship of that research to the state's needs and priorities;

(4) promote and enhance standards for research activities for which the council has administrative oversight;

(5) establish review procedures for research proposals;

(6) at the request of either the governor or the legislature, advise in a timely fashion on inquiries concerning scientific investigation or comment;

(7) evaluate and forward to appropriate agencies and persons products of research activities funded by the council; the council shall prepare comments to accompany research reports summarizing the applications, importance, or further research needs demonstrated by the findings of council-supported research;

(8) coordinate its data and information needs with other research organizations in order to avoid unnecessary duplication;

(9) not conduct any research itself other than that necessary to further the purpose of the council as provided in (a) of this section;

(10) supply to any person or agency requesting assistance the available information on past or present research activities for which the council has information, except that the council shall not release information which may endanger the acceptance of any research proposal which is at the time competing with other proposals for funding.

(d) The council may, as funds are appropriated, make grants of financial assistance of up to \$5,000 to persons engaged in the development or implementation of northern technology. An application for a grant under this subsection shall be submitted to the council which shall determine the manner in which applications are reviewed and approved. The council may make grants in coordination with other sources of funding. An applicant for funds for a demonstration project shall include with his application a statement that the completed project will be available for public inspection. Any patents or royalties accruing from projects funded through grants made by the council remain the property of the individual receiving the grant.

Sec. 44.46.090. RECORDS, REPORTS. (a) The council shall have its financial records audited by an independent certified public accountant. The internal auditor and legislative auditor shall jointly prescribe the form and content of the financial records of the council and shall be afforded access to these records at any time.

(b) Before January 15 of each year, the council shall submit to the governor and the legislature a comprehensive report describing operations and expenditures and the status of grants and contracts for the last preceding fiscal year.

(c) The provisions of AS 09.25.110 -- 09.25.120 apply to the council.

Sec. 44.46.100. DEFINITIONS. In AS 44.46.070 -- 44.46.110,

(1) "council" means the Alaska Council on Science and Technology established in AS 44.46.070;

(2) "northern technology" means the application in Alaska

of methods of energy generation, waste disposal, recycling, food production, transportation, building design, and industrial enterprise which may be more efficient, and less costly, and less energy intensive than those methods presently utilized and which are appropriate to the Alaska environment.

Sec. 44.46.110. SHORT TITLE. AS 44.46.070 -- 44.46.110 may be cited as the Science and Technology Act.

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

(12) the executive director, but not other staff, of the Alaska Council on Science and Technology located in the Department of Environmental Conservation.

* Sec. 5. As provided in sec. 8, ch. 56 SLA 1979, subsec. (d) of AS 44.46.080, as enacted in sec. 3 of this order, terminates June 30, 1984.

* Sec. 6. Contracts and proceedings entered into by the council are not affected by the relocation made by this order.

* Sec. 7. This order takes effect July 1, 1980.

DATED: January 14, 1980
Juneau, Alaska

s/ JSH
Jay S. Hammond
Governor

EXECUTIVE ORDER NO. 47

Under the authority of Article III, Section 23 of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), 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 recording function and the Uniform Commercial Code filing function from the Department of Commerce and Economic Development to the Department of Natural Resources.

* Sec. 2. AS 44.37.020 is amended to read:

Sec. 44.37.020. DUTIES OF DEPARTMENT WITH RESPECT TO NATURAL RESOURCES. (a) The Department of Natural Resources shall administer the state program for the conservation and development of natural resources, including forests, parks, and recreational areas, lands, waters, agriculture, soil conservation and minerals (including petroleum and natural gas), but excluding commercial fisheries, sport fish, game, and fur-bearing animals in their natural state.

(b) The Department of Natural Resources shall administer and maintain a recording system established under the laws of this state.

* Sec. 3. AS 44.37 is amended by adding a new section to read:

Sec. 44.37.025. RECORDING. (a) The Department of Natural Resources shall adopt regulations, establishing, modifying, or discontinuing recording districts or precincts and prescribing the records to be maintained and the instruments to be recorded.

(b) The department shall engage and compensate recorders and deputy recorders, prescribe and account for recording fees, and do all other things necessary to maintain the recording system established under the laws of this state.

(c) The department, with the concurrence of the administrative director of courts, may appoint judicial employees to record documents in locations where the department has no employees available to serve as recorders.

* Sec. 4. AS 45.05.734(e) is amended to read:

(e) The requirements of AS 45.05.768(a)(1) and (2), 45.05.772(b), (c), and (e), and 45.05.780 [SECS. 768(a)(1) AND (2), 772(b), (c), AND (e) AND 780 OF THIS CHAPTER] do not apply to a security interest in personal property of any description created by a deed of trust or mortgage made by a corporation primarily engaged in the business of a common carrier by rail, the furnishing of telephone or telegraph service, the transmission of oil, gas or petroleum products by pipeline, or the production, transmission or distribution of electricity, steam, gas, or water, but this security interest may be perfected under AS 45.05.690 -- 45.05.794 [SECS. 690-794 OF THIS CHAPTER] by filing the deed of trust or mortgage in the office of the commissioner of the Department of Natural Resources [COMMERCE AND ECONOMIC DEVELOPMENT]. When filed, the instrument remains effective until terminated, without the need for filing a continuation statement. Assignments and releases of the instrument may also be filed in the office of the commissioner of the Department of Natural Resources [COMMERCE AND ECONOMIC DEVELOPMENT]. This commissioner is a filing officer for the foregoing purposes, and the uniform fee for filing, indexing and furnishing filing data under this subsection is \$10.

* Sec. 5. AS 45.05.768(a)(3) is amended to read:

(3) in all other cases, in the office of the Department of Natural Resources [COMMERCE AND ECONOMIC DEVELOPMENT].

* Sec. 6. AS 44.33.020(22) and 44.33.025 are repealed.

* Sec. 7. Sec. 3, ch. 118 SLA 1976 is amended to read:

Sec. 3. The recording districts established by the supreme court in effect on January 1, 1977 shall remain in effect until regulations establishing, modifying, or discontinuing recording districts or products have been adopted by the Department of Natural Resources [COMMERCE AND ECONOMIC DEVELOPMENT].

* Sec. 8. This order takes effect July 1, 1980.

DATED: January 14, 1980
Juneau, Alaska

S/ JSH
Jay S. Hammond
Governor