

IN THE SENATE -- Offered: 1/14/85
Referred: Labor &
Commerce and Finance

IN THE HOUSE -- Offered: 1/14/85
Referred: Labor &
Commerce and Finance

EXECUTIVE ORDER NO. 60

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

3 * Section 1. FINDINGS. As governor, I find that it would be in the
4 best interests of efficient administration and state planning to transfer
5 the athletic commission from the Office of the Governor to the Department
6 of Commerce and Economic Development.
7

8 * Sec. 2. AS 05.05.010(a) is amended to read:

9 (a) There is created an athletic commission within the Depart-
10 ment of Commerce and Economic Development [OFFICE OF THE GOVERNOR].

11 The commission consists of four members appointed by the governor.
12 One member of the commission must [SHALL] be appointed from each of
13 the four major senate districts described in sec. 2, art. XIV of the
14 state constitution. The commissioners must [SHALL] be appointed for
15 overlapping two year terms. Members of the commission serve at the
16 pleasure of the governor and must [SHALL] be selected on the basis of
17 their known interest in and knowledge of athletics in the state.

18 * Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

19 (25) Athletic Commission (AS 05.05 and AS 05.10).

20 * Sec. 4. TRANSITION. All litigation, hearings, investigations, and
21 other proceedings pending under a law amended by this Order, or in connec-
22 tion with functions transferred by this Order, continue in effect and may
23 be continued and completed notwithstanding the transfer or an amendment
24 provided for in this Order. Certificates, orders, and regulations issued
25 or adopted under authority of a law amended by this Order remain in effect
26 for the term issued, or until revoked, vacated, or otherwise modified under
27 the provisions of this Order. All contracts, rights, liabilities, and
28 obligations created by or under a law amended by this Order, and in effect
29 on the effective date of this Order, remain in effect notwithstanding this

1 Order's taking effect. Records, equipment, and other property of the
2 agency being transferred by this Order must be transferred commensurate
3 with the provisions of this Order.

4 * Sec. 5. This Order takes effect March 15, 1985.

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DATED: Jan 14th 1985

Bill Sheffield
Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
Bill/Resolution No.: ORDER NO. 60
Title: Transfer of the Athletic Commission
Sponsor: _____
Requestor: _____
Date of Request: _____

FISCAL DETAIL
Agency Affected: Commerce & Economic Dev.
Program Category Affected: Consumer Protection
BRU, Program or Subprogram(s) Affected: _____
Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary FOR INFORMATION ONLY

Funding was added to the Department's FY '86 budget request to operate the Athletic Commission.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144
Division: Occupational Licensing Date: 1-10-85

Approved by Commissioner: Loren H. Lounsbury Date: 1/10/85
Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

AGENCY ADJUSTED BASE	PFT	GENERAL FUNDS	TOTAL FUNDS
	PPT		

PRI	FF	INCREMENT/DECREMENT TITLE	BRU/COMPONENT	POSITIONS	INCREMENT/DECREMENT		GOVERNOR'S FUNDING	
					GF	TOTAL	GF	TOTAL
34-52		Inflation	Total Department Reque	PFT	222.0	516.2	146.6	440.8
53		Tourism Marketing	Tourism/ General Operating	PFT	500.0	500.0	500.0	500.0
54		Contractual	Economic Dev. Advocat	PPT	115.3	115.3	115.3	115.3
55		Lease - IBM Card Interpreter	Accounting & Collectio	PPT	7.9	7.9	7.9	7.9
56		COM Customer Records	Accounting & Collectio	PPT	4.2	4.2	4.2	4.2
57		Board Travel	Occupational Licensin	PPT	56.0	56.0	56.0	56.0
58		Licensing Examiner II	Occupational Licensin	PPT 1	46.0	46.0	46.0	46.0
59		DOT/PF Wet Rental Program	Measurement Standards	PPT	22.6	22.6	22.6	22.6
60		Dental Examination Costs	Occupational Licensin	PPT	10.0	10.0	10.0	10.0
61		Land Surveyor Examination Costs	Occupational Licensin	PPT	10.0	10.0	10.0	10.0
62		EDA Planning Grant	Economic Dev. Advocat	PPT 1	-0-	100.0		100.0
63		Contractual Services	Economic Dev. Advocat	PPT	28.8	28.8	28.8	28.8
TOTAL INCREMENTS/DECREMENTS				PPT				
AGENCY REQUEST (ADJUSTED BASE + INCREMENTS/DECREMENTS)				PPT				

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AGENCY INCREMENT/
DECREMENT SUMMARY

AGENCY Commerce & Economic Development

FY 86

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AGENCY ADJUSTED BASE	PFT	GENERAL FUNDS	TOTAL FUNDS
	PPT		

PRI	FF I	INCREMENT/DECREMENT TITLE	BRU/COMPONENT	POSITIONS	INCREMENT/DECREMENT		GOVERNOR'S FUNDING	
					GF	TOTAL	GF	TOTAL
38		Licensing Examiner/ Anchorage	Occupational Licensing Administration	PFT 1	41.5	41.5	41.5	41.5
39		Project/Contractual Increment	Economic Dev. Advocate Fisheries	Sr/	100.0	100.0		
90		Telecommunications Equipment Replacement	Measurement Standards, Administration	PFT	15.0	15.0		
91		Inquiry Fulfillment Support	Tourism/ General Operating	PFT 1	28.8	28.8		
92		Anchorage Automobile Rental	Investments/ Administration	PFT	4.5	4.5		
93		Additional Printing and Advertising	Investments/ Administration	PFT	5.0	5.0		
94		Meeting Costs	Real Estate/ Administration	PFT	16.0	16.0		
95		Milk Tank Certification Program	Measurement Standards Administration	PFT	32.8	32.8	32.8	32.8
96		New Forestry Position	Economic Dev. Advocate Forest Products	Sr/ 1	79.5	79.5		
97		Test Equipment Analyzers	AK Public Utilities Comm./Administration	PFT	13.9	13.9		
98		Attorney Costs - APUC/ATA	AK Public Utilities Comm./Administration	PFT	49.1	49.1		
99		Data Processing Travel	Administration & Supp Data Processing	PFT/	9.3	9.3		
TOTAL INCREMENTS/DECREMENTS				PFT				
AGENCY REQUEST (ADJUSTED BASE + INCREMENTS/DECREMENTS)				PPT				

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AGENCY INCREMENT/
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AGENCY ADJUSTED BASE	PFT	GENERAL FUNDS	TOTAL FUNDS
	PPT		

PRI	FF	INCREMENT/DECREMENT TITLE	DRU/COMPONENT	POSITIONS	INCREMENT/DECREMENT		GOVERNOR'S FUNDING	
					CF	TOTAL	CF	TOTAL
64		Regulations Specialist I	Occupational Licensing Administration	PFT 1	45.3	45.3	45.3	45.3
65		Investigator I, Juneau	Occupational Licensing Investigations	PFT 1	58.5	58.5		
66		New Clerk III Position	Banking & Securities/Corporations	PFT 1	29.2	29.2	29.2	29.2
67		AMI 84 Foreign Language Executive Summaries	Economic Dev. Advocates/Minerals	PFT	20.0	20.0	20.0	20.0
68		Collection and Support Staff	Accounting & Collections Administration	PPT 4	232.3	232.3	120.0	120.0
69		Additional Commission Meetings	Real Estate/ Administration	PPT	14.0	14.0	14.0	14.0
70		Clerk III	Occupational Licensing Administration	PFT 1	31.7	31.7		
71		Commission Education Program	Real Estate/ Administration	PPT	0	75.0		75.0
72		Rural Travel Requirements	Investments/ Administration	PPT	12.0	12.0		
73		Travel	Administration & Support Administration	PPT	18.3	18.3	18.3	18.3
74		Overtime	Measurement Standards Administration	PPT	14.2	14.2		
75		Moving Costs - FY 1986	AK Public Utilities Comm./Administration	PPT	146.8	146.8		
TOTAL INCREMENTS/DECREMENTS				PPT				
AGENCY REQUEST (ADJUSTED BASE + INCREMENTS/DECREMENTS)				PPT				

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AGENCY INCREMENT/
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AGENCY ADJUSTED BASE	PFT	GENERAL FUNDS	TOTAL FUNDS
	PPT		

PRI	FF	INCREMENT/DECREMENT TITLE	BRU/COMPONENT	POSITIONS	INCREMENT/DECREMENT		GOVERNOR'S FUNDING	
					CF	TOTAL	CF	TOTAL
124		Auditor	AK Power Authority/ CIP Positions	PFT 1 PPT	0	48.0		
125		Resource Planner	AK Power Authority/ CIP Positions	PFT 1 PPT	0	54.6		
126		Office Relocation and Space Lease	AK Power Authority/ CIP Positions	PFT PPT	0	372.0		
127		New Construction Activity Support	AK Power Authority/ CIP Positions	PFT PPT	0	27.5		
128		Bradley Lake Positions Upgrades	AK Power Authority/ CIP Positions	PFT PPT	0	9.1		
129		Summer Interns	AK Power Authority/ CIP Positions	PFT 4 Temp PPT	0	27.5		
130		Dues in Profession/ Tech./Operations	AK Power Authority/ Operation & Maintenance	PFT PPT	0	10.7		
131		Dues in Professional/ Technical Organization	AK Power Authority/ CIP Positions	PFT PPT	0	10.8		
		Restore FY85 Funding Level	Tourism	PFT PPT			310.6	310.6
		Athletic Commission Travel	Occupational Licensing/ Boards	PFT PPT			10.0	10.0
		Railroad Special Report	Commissioner & Admin / Railroad	PFT PPT			(175.0)	(175.0)
		Alaska Railroad Corporation FY86 Revenue Adjustment	Alaska Railroad Corp.	PFT PPT			—	25,612.0
TOTAL INCREMENTS/DECREMENTS				PFT 59 PPT 4 Temp	12,834.5	17,443.2	4,005.1	32,934.9
AGENCY REQUEST (ADJUSTED BASE + INCREMENTS/DECREMENTS)				PFT 484 PPT 16	66,634.9	121,321.1*	57,805.5	136,812.8

4 Temp.

*Railroad operating budget not submitted yet.

FY 86

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AGENCY INCREMENT/
DECREMENT SUMMARY

AGENCY Commerce & Economic Development

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Alaska State Legislature

REPRESENTATIVE
MIKE NAVARRE

DISTRICT 5A

CHAIR, LABOR & COMMERCE
VICE-CHAIR, STATE AFFAIRS



HOME ADDRESS
P O BOX E
KENAI, ALASKA 99611
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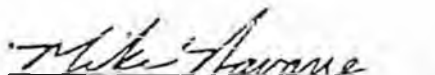
WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3893


House of Representatives


COMMITTEE REPORT

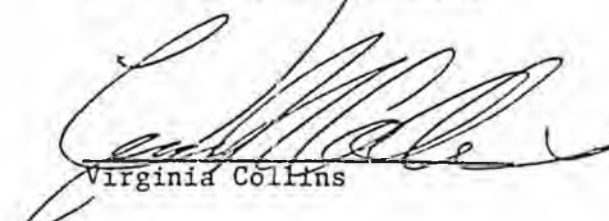
TO: Rep. Ben Grussendorf, Speaker of the House
FROM: Rep. Mike Navarre, Chairman House Labor & Commerce
SUBJECT: Executive Order 60
DATE: February 6, 1985

The House Labor and Commerce Committee has reviewed the Governor's bill, EO 60, which transfers the State Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development, and recommends that it not be disapproved.

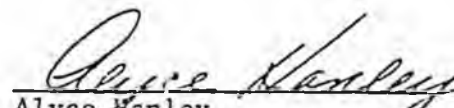

Mike Navarre, Chairman

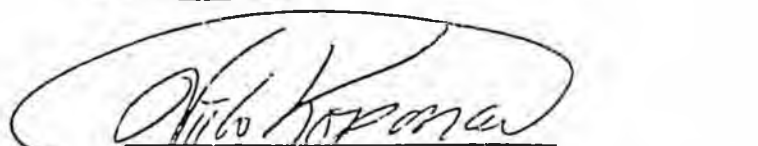

Mike Davis, Vice-Chairman


Red Boucher


Virginia Collins


Drue Pearce


Alyce Hanley


Nillo Koponen

major purposes. be established department.

abolish this section. State Dev. Corp., File No. 285, 376

State Mortgage 10 — 44.83.249) quasi-judicial or state within the order this section. Mtg. Ass'n, Sup. Ct. Op. No. 669, 416 P.2d

State-Operated in the executive function, as it was established was to execute and effect in the laws relating to created by the State-Operated School System. Sup. Ct. Op. No. 1157 (File No. 75). For present situation in the State AS 14.08.011 —

a regulatory, primary agency. School Sys. v. Sup. Ct. Op. No. 1157 (File No.

former Alaska System was department or within the state. see Alaska State v. Mueller, Sup. Ct. Op. No. 2138, 536

Alaska could not 17 (now 15) departments now 1955. University Leasing, Ltd., Sup. Ct. Op. No. 2365, 536

There is not an agency of the state which deals with the state. It is the maximum local government under Alaska government. Mortgage, Sup. Ct. Op. No. 23, 471 P.2d

Quoted in Alaska State Hous. Auth. v. Boucher, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).
Dixon, Sup. Ct. Op. No. 793 (File No. 1529), 496 P.2d 649 (1972); Warren v.

Section 23. Reorganization. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

The constitution vests no power in the judiciary to define the specific functions of the principal departments in the state government or the units of the executive branch, and in the absence of express authorization or an overriding constitutional imperative, the judiciary may not bequeath such a power to itself. Granato v. Occhipinti, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

Thus, superior court cannot order home study by department of health and social services. — The superior court does not have the authority to order the Alaska department of health and social services, division of social services, against its will, to conduct a home-study in a

private custody dispute. Granato v. Occhipinti, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

The legislative veto power granted in this section and Alaska Const., art. X, § 12, is the power to change statutes, not rule-making power, which is the power to interpret and implement statutes. State v. A.L.I.V.E. Voluntary, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980).

The creation of the Alaska Mortgage Adjustment Agency was not a change in the organization of the executive branch of government requiring the force of law. Suber v. Alaska State Bond Comm., Sup. Ct. Op. No. 344 (File No. 651), 414 P.2d 546 (1966).

Section 24. Supervision. Each principal department shall be under the supervision of the governor.

Section 25. Department Heads. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

Revisor's note. — Senate Joint Resolution No. 2, "changing the name of the secretary of state to lieutenant governor" in 16 sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.

The provisions of this section and § 26 of this article are clear and unambiguous. Bradner v. Hammond,

Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

This section explicitly empowers the governor to appoint and dismiss the head of each principal department. Bradner v. Hammond, Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

It subjects these executive appointments to confirmation by a majority of the members of the legislature



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that officially transfers the Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development.

The Athletic Commission (AS 05.05 and 05.10) is currently assigned by AS 05.05.010 to the Office of the Governor. However, it was informally and unofficially transferred to the Department of Commerce and Economic Development in a July 30, 1980 memorandum by former Governor Hammond. This executive order would make that transfer official.

The transfer places the commission where it logically belongs, with the other occupational licensing and regulatory boards and commissions. The commission will be undertaking the promulgation of regulations governing the increasing number of boxing matches in our state. The Division of Occupational Licensing will provide staff assistance to the commission.

I believe that this transfer will improve the efficiency and effectiveness of the Athletic Commission. I am confident that, along with the funding I have requested for the commission in the budget, the transfer will also improve the quality of the services the commission provides to boxers, promoters, and fans alike.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor