

EO

63



# Alaska State Legislature

## Senate

### Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

January 19, 1987

#### MEMORANDUM

TO: Senator Bennett, Co-Chairman  
Senator Binkley, Co-Chairman  
Finance Committee

FROM: Peggy Mulligan *PM*  
Secretary of the Senate

RE: Executive Order No. 63

The President has referred Executive Order No. 63 (transferring the Alaska Historical Commission from the Department of Education to the the Department of Natural Resources).

Attached is a copy of Section 23, Article III of the Constitution describing procedures for executive orders.

Enclosures

*also to Resources*

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

**Martial  
Law**

**SECTION 20.** The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

**Executive  
Clemency**

**SECTION 21.** Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

**Executive  
Branch**

**SECTION 22.** All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

**Reorganization**

**SECTION 23.** 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.

EXECUTIVE ORDER NO. 63

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, 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 Historical Commission from the Department of Education to the Department of Natural Resources. The functions of the commission are closely related to some of the functions of the Department of Natural Resources.

\* Sec. 2. AS 41.35 is amended by adding new sections to read:

ARTICLE 2. ALASKA HISTORICAL COMMISSION.

Sec. 41.35.300. CREATION. There is created in the Department of Natural Resources the Alaska Historical Commission.

Sec. 41.35.310. 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. 41.35.320. APPOINTMENT. The governor shall make 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. 41.35.330. 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. 41.35.340. COMPENSATION. The members of the commission are

1 not entitled to receive compensation for their services, but they are  
2 entitled to receive the same travel pay and per diem as state offi-  
3 cials and employees.

4 Sec. 41.35.350. DUTIES OF THE COMMISSION. The duties of the  
5 commission are to

6 (1) survey, evaluate, and catalog Alaska prehistory and  
7 history materials now in print;

8 (2) ascertain and register what Alaska prehistory and  
9 history work is now in progress;

10 (3) identify the existing gaps in the coverage of Alaska's  
11 past in presently available published works and establish priorities  
12 for bridging them;

13 (4) prepare a thematic study of Alaska's history for his-  
14 toric preservation;

15 (5) identify the sources of Alaska's history;

16 (6) coordinate the production and publication of works that  
17 will adequately present all aspects of Alaska's past; and

18 (7) cooperate with the federal government in programs  
19 relating to history and archaeology.

20 Sec. 41.35.360. REPORTS. The commission shall make an annual  
21 report to the governor.

22 Sec. 41.35.370. EXECUTIVE DIRECTOR. The commission shall ap-  
23 point, subject to approval by the governor, an executive director who  
24 is to be in the partially exempt service as set out in AS 39.25.120.  
25 The executive director shall serve as the executive officer of the  
26 commission in the accomplishment of its functions. He serves at the  
27 direction and at the pleasure of the governor.

28 Sec. 41.35.380. GIFTS AND INCOME. (a) There is established in  
29 the state general fund a special Alaska Historical Commission receipts

1 account into which shall be paid:

2 (1) all monetary gifts, grants, and bequests received by  
3 the commission;

4 (2) all royalties and other income which the commission  
5 receives from its projects.

6 (b) The legislature may appropriate funds from this account for  
7 commission projects.

8 \* Sec. 3. AS 44.27.061 -- 44.27.076 are repealed.

9 \* Sec. 4. The current membership of the commission, and contracts and  
10 proceedings entered into by the commission, are not affected by the reloca-  
11 tion made by this order.

12 \* Sec. 5. This Order takes effect March 20, 1987.

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14 DATED: \_\_\_\_\_

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17 Steve Cowper  
18 Governor  
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STEVE COWPER  
GOVERNOR

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

*President*

January 19, 1987

The Honorable Jan Faiks  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 63, transferring the Alaska Historical Commission from the Department of Education to the Department of Natural Resources.

This Order is a major element in the integration of three state entities: the commission, the Alaska Archaeology Survey (now in the division of mining and geological survey, Department of Natural Resources), and the Office of History and Archaeology (State Historic Preservation Office, now in the division of parks and outdoor recreation). The wording of the new provisions in this Order is identical to current AS 44.27.061 -- 44.27.076 (which are being repealed in sec. 3). Integrating the three agencies, each of which, in different ways, works to preserve and further the understanding of Alaska history and pre-history, will have several benefits.

First, this integration will provide one cultural resource agency for the Alaska public to work with instead of three. While the three agencies do not at present duplicate efforts, members of the public are often unsure about which agency to contact about a cultural resource concern. The integration will make proper referrals an internal matter for the combined functions, rather than placing on the public the burden of finding out who to contact.

Second, this integration will focus management and implementation of closely related programs. Under one management, there should be economy of scale, increase in program activity at no increased cost, and better service to the public.

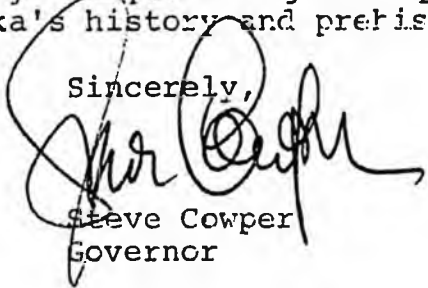
Third, this integration will enable better management of the resources Alaska allocates to its history and archaeology programs, and better evaluation of the effectiveness of those programs.

Fourth, this integration will provide staff support to the Alaska Historical Commission programs, which took a severe budget cut in FY 87. The Alaska Historical Commission programs provide an important element in the state's overall efforts in cultural resource programs.

Although there is substantial question as to the validity of the appointment section (AS 41.35.320), this new section is identical to the current AS 44.27.063, and it is not appropriate to make substantive statutory changes by means of an executive order that is only transferring an agency. The problem with this section is its restriction on the governor's appointment authority under art. III of the Alaska Constitution.

In summary, merging the Alaska Historical Commission with the Alaska Archaeological Survey and the Office of History and Archaeology will produce a single, more effective and economically sound way of promoting the preservation and understanding of Alaska's history and prehistory.

Sincerely,



Steve Cowper  
Governor

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : 5063  
 Title : Transfer Historical Commission  
 \_\_\_\_\_  
 Sponsor : Governor / Rules  
 Requestor : DNK  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : \_\_\_\_\_  
 BRU : \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-		

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

The transfer of the Alaska Historical Commission from Education to Natural Resources will have net-zero fiscal impact: the FY87 Revised authorization of \$85.0 in Education is being RSA'ed to Natural Resources for FY87 and that same amount will be C4'ed to Natural Resources for FY88.

Prepared by: Hilton Wolfe Phone: 465-2424  
 Division: Management Date: 10/7/86

Approved by Commissioner: Wm D. Amel Date: 10/8/86  
 Agency: Natural Resources

**Distribution (by Agency preparing fiscal note):**

Legislative Finance  
 Legislative Sponsor <sup>1</sup> In consultation with Ray Jensen, Education's Budget  
 Requestor Analyst (10/7/86).  
 Office of Management and Budget  
 Impacted Agency(ies)

Huso

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