

EO

83

HFIN

FILE

WALTER J. HICKEL
GOVERNOR



E083

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 11, 1993

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1183

Dear President Halford:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an Executive Order merging the State Geographic Board (AS 44.19.054 - 44.19.062) and the Historic Sites Advisory Committee (AS 41.35.110 - 41.35.190) into the Alaska Historical Commission (AS 41.35.300 - 41.35.380). The commission will remain in the Department of Natural Resources, where the Historic Sites Advisory Committee is also located.

I believe that this change will have several benefits to the state. First, it will place in one entity, instead of three, the closely related functions of recognizing and presenting Alaska's history, evaluating and approving historical sites in the state, and naming geographic places, which often involves names of historical figures, places, and events. Second, it will increase public access because the public will know that any historical concerns can be addressed to the merged entity; the public will not have to figure out which of three entities is the appropriate one for a specific matter. Finally, the consolidation will save money because the single resulting entity will have far fewer members than do the three existing ones combined.

Sec. 8 of the Order repeals and reenacts AS 41.35.310(5) which is identical in substance to existing AS 41.35.320.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel".

Walter J. Hickel
Governor

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 1
Bill Version: EC 83
(S) Publish Date: 1-11-93

Revision Date: _____ Dept. Affected: Community and Regional Affairs
Title: E.O. merging Historical Commission, BRU: Administration and support
Geographic Names Board, Historical Sites Advisory Component: Office of the Commissioner
Sponsor: Commission Governor Hickel
Requestor: Governor Hickel COMPONENT SERIAL NO. _____

Expenditures/Revenues:	(Thousands of Dollars)					
	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING:	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary) This proposed legislation has no fiscal impact on DCRA. All staff work and occasional travel expenses for the Geographic Names Board are covered within the operating budget of the Office of the Commissioner. Staff time and minimal expenses are considered to be part of normal operating functions and obligations. No separate budget has ever been set up for AGNB operations/business.

Prepared by: Bruce Geraghty, Deputy Commissioner Phone: 465-4700
Division: Office of the Commissioner Date: December 9, 1992
Approved by Commissioner: [Signature] Date: 12-9-92
Agency: Department of Community and Regional Affairs

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FISCAL NOTE

No. 2
 Bill Version: EC 83
 (S) Publish Date: 1-11-93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Natural Resources
 Title: Alaska Historical Commission BRU: Parks Management
 Components: State Historic Preservation Program
 Sponsor: _____
 Requestor: Governor COMPONENT SERIAL NO. 451

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE fund source:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary)
 No fiscal impact.

Prepared by: Nico Bus / 710 Phone: 485-2408
 Division: Commissioner's Office Date: Nov. 6, 1992
 Approved by Commissioner: Glenn A. Cida Date: 11/7/92
 Agency: Department of Natural Resources

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Official Business

Alaska State Legislature

HOUSE RESOURCES COMMITTEE

State Capitol

Juneau, Alaska 99801-1182

HOUSE RESOURCES COMMITTEE
LETTER OF INTENT
REGARDING EXECUTIVE ORDER NO. 83

The House Resources Committee has considered Executive Order Number 83 and has voted to move it out of Committee. However, the committee wishes to express its concern about a legal issue which was brought to the committee's attention by attorney Terri Lauterbach of the Legislative Legal Services Division. According to Ms. Lauterbach, "It concerns whether an executive order can validly remove from partially exempt service an employee put there by the legislature through statute. Executive Order No. 83 attempts to do so."

As Lauterbach explains, "Section 9 of the order repeals AS 41.35.375 and AS 39.25.120(c)(9)(G). These statutory sections placed the executive director of the Alaska Historical Commission in the partially exempt service. Section 15 of the order enacts new language relating to the hiring of staff without any reference to the partially exempt service. This would have the effect of placing the executive director in the classified service."

The House Resources Committee recognizes that the Governor could probably accomplish this personnel reclassification without the executive order or legislative action through other means. However, the fact remains that Executive Order 83 appears to go beyond constitutionally determined limits of what can be accomplished in an executive order. The Committee wants to state for the record that its approval of Executive Order 83 in no way implies approval of violation of the legal parameters of executive orders, nor should it be construed to mean that any inappropriate substantive changes proposed by executive order in the future will be accepted.

A handwritten signature in cursive script, appearing to read "Bill Williams", written over a horizontal line.

Rep. Bill Williams, Chairman
January 29, 1993

SENATE

Introduced: 1/11/93
 Referred: RES, FIN

HOUSE

Introduced: 1/11/93
 Referred: STA, RES, FIN

EXECUTIVE ORDER NO. 83

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance
 2 with AS 24.08.210, I order the following:

3 * **Section 1. FINDINGS.** As governor, I find that it would be in the best interests of
 4 efficient administration to merge the State Geographic Board and the Historic Sites Advisory
 5 Committee into the Alaska Historical Commission in the Department of Natural Resources.

6 * **Sec. 2.** AS 29.55.020(a) is amended to read:

7 (a) In addition to existing municipal authority providing for the preservation,
 8 protection, and maintenance of historic sites, the local historical district commission,
 9 in consultation with the Alaska Historical Commission [HISTORIC SITES
 10 ADVISORY COMMITTEE] in the Department of Natural Resources, may establish
 11 historical districts within the boundaries of the municipality.

12 * **Sec. 3.** AS 29.55.020(b) is amended to read:

13 (b) A historical district shall be a reasonably compact area of historical
 14 significance in which two or more structures important in state or national history, and
 15 related by physical proximity or historical association, are located. For purposes of
 16 this section, "structures important in state or national history" means properties
 17 recommended by historical district commissions that are listed in the National Register
 18 of Historic Places or are characteristic of the Russian-American period before October
 19 18, 1867, the early territorial period before 1930, or early Native heritage, reflecting
 20 the indigenous characteristics of Native culture in Alaska. On recommendation of the
 21 governing body of a municipality and the Alaska Historical Commission [HISTORIC
 22 SITES ADVISORY COMMITTEE], the Department of Natural Resources may by
 23 regulation formulate additional criteria for the establishment of historical districts not

1 inconsistent with this subsection.

2 * Sec. 4. AS 41.35.020 is amended to read:

3 Sec. 41.35.020. TITLE TO HISTORIC, PREHISTORIC, AND
4 ARCHEOLOGICAL RESOURCES; LOCAL DISPLAY. (a) The state reserves to
5 itself title to all historic, prehistoric, and archeological resources situated on land
6 owned or controlled by the state, including tideland and submerged land, and reserves
7 to itself the exclusive right of field archeology on state-owned or controlled land.
8 However, nothing in AS 41.35.010 - 41.35.240 diminishes the cultural rights and
9 responsibilities of persons of aboriginal descent or infringes upon their right of
10 possession and use of those resources that [WHICH] may be considered of historic,
11 prehistoric, or archeological value.

12 (b) Although title to historic, prehistoric, and archeological resources is in the
13 state, local cultural groups may obtain from the state, or retain, for study or display,
14 artifacts and other items of these resources from their respective cultures or areas if
15 the commission [COMMITTEE] created in AS 41.35.300 [AS 41.35.110] finds that
16 (1) the group has a durable building with weatherproof and fireproof construction and
17 humidity control and other factors necessary to serve as a museum which will assure
18 safe preservation of the items, (2) the item sought to be obtained is not one for which
19 there is an undue risk of damage during transportation, and (3) the item sought to be
20 obtained or retained is not one requiring special treatment or care beyond the ability
21 or means of the group requesting it. A group retaining such an item or obtaining one
22 from the state shall house it in the museum building and shall make every reasonable
23 effort to assure its safe preservation. If the commission [COMMITTEE] finds that
24 a local cultural group is not properly taking care of an item the group shall return it
25 to the department.

26 * Sec. 5. AS 41.35.030 is amended to read:

27 Sec. 41.35.030. DESIGNATION OF MONUMENTS AND HISTORIC SITES.
28 Upon the recommendation of the commission [COMMITTEE], the governor may
29 declare by public order any particular historic, prehistoric, or archeological structure,
30 deposit, site, or other object of scientific or historic interest that is situated on land
31 owned or controlled by the state to be a state monument or historic site and the

1 governor may designate as a part of the monument or site as much land as is
2 considered necessary for the proper access, care and management of the object or site
3 to be protected. When an object or site is situated on land held in private ownership,
4 it may be declared a state monument or historic site in the same manner, with the
5 written consent of the owner.

6 * Sec. 6. AS 41.35.060 is amended to read:

7 Sec. 41.35.060. POWER TO ACQUIRE HISTORIC, PREHISTORIC, OR
8 ARCHEOLOGICAL PROPERTIES. (a) The department, with the recommendation
9 of the commission [COMMITTEE], may acquire real and personal properties that
10 have statewide historic, prehistoric, or archeological significance by gift, purchase,
11 devise, or bequest. The department shall preserve and administer property so acquired.
12 The department may acquire property adjacent to the property having historic,
13 prehistoric, or archeological significance when it is determined to be necessary for the
14 proper use and administration of the significant property.

15 (b) If an historic, prehistoric, or archeological property which has been found
16 by the department, upon the recommendation of the commission [COMMITTEE], to
17 be important for state ownership is in danger of being sold or used so that its historic,
18 prehistoric, or archeological value will be destroyed or seriously impaired, or is
19 otherwise in danger of destruction or serious impairment, the department may
20 establish the use of the property in a manner necessary to preserve its historic,
21 prehistoric, or archeological character or value. If the owner of the property does not
22 wish to follow the restrictions of the department, the department may acquire the
23 property by eminent domain under AS 09.55.240 - 09.55.460.

24 * Sec. 7. AS 41.35.230(2) is amended to read:

25 (2) "commission" ["COMMITTEE"] means the Alaska Historical
26 Commission established in AS 41.35.300 [HISTORIC SITES ADVISORY
27 COMMITTEE];

28 * Sec. 8. AS 41.35.310 is repealed and reenacted to read:

29 Sec. 41.35.310. COMPOSITION OF COMMISSION. The Alaska Historical
30 Commission consists of the following persons:

31 (1) the lieutenant governor;

1 (2) the state liaison officer appointed under 16 U.S.C. 470-470n (P.L.
2 89-665, National Historic Preservation Act of 1966);

3 (3) three persons with professionally relevant backgrounds appointed
4 from each of the following fields: history, architecture, and archeology;

5 (4) one person appointed to represent indigenous ethnic groups;

6 (5) two persons appointed from a list of recommended nominees,
7 containing at least four names, submitted each year by the Alaska Historical Society;

8 (6) one other person.

9 * Sec. 9. AS 41.35.320 is repealed and reenacted to read:

10 Sec. 41.35.320. APPOINTMENT OF MEMBERS. Members of the
11 commission are appointed by the governor and confirmed by the legislature meeting
12 in joint session. The members of the commission serve at the pleasure of the
13 governor.

14 * Sec. 10. AS 41.35.330 is repealed and reenacted to read:

15 Sec. 41.35.330. TERM OF OFFICE. The term of office for a member of the
16 commission is three years, except for those who are members by virtue of their
17 positions with the state, who serve for as long as they remain in the position by virtue
18 of which they are members of the commission. A member appointed to fill a vacancy
19 serves for the unexpired term of the member succeeded.

20 * Sec. 11. AS 41.35.340 is repealed and reenacted to read:

21 Sec. 41.35.340. COMPENSATION. The members of the commission serve
22 without compensation but are entitled to per diem and travel expenses authorized by
23 law for other boards and commissions.

24 * Sec. 12. AS 41.35 is amended by adding new sections to read:

25 Sec. 41.35.345. OFFICERS. At the first meeting of each year, the
26 commission shall elect a chairman from among its members.

27 Sec. 41.35.347. MEETINGS AND QUORUM. The commission shall meet
28 at least twice a year. Additional meetings may be called by the chairman or by
29 petition of at least five members. Five members of the commission constitutes a
30 quorum.

31 * Sec. 13. AS 41.35.350 is amended to read:

1 Sec. 41.35.350. DUTIES OF THE COMMISSION. The duties of the
2 commission are to

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

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

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

9 (4) prepare a thematic study of Alaska's history for historic
10 preservation;

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

12 (6) coordinate the production and publication of works that will
13 adequately present all aspects of Alaska's past; [AND]

14 (7) cooperate with the federal government in programs relating to
15 history and archaeology;

16 (8) develop criteria for the evaluation of state monuments and
17 historic sites and all real and personal property that may be considered to be of
18 historic, prehistoric, or archeological significance as would justify their
19 acquisition and ownership by the state;

20 (9) cooperate with the department in formulating and
21 administering a statewide historic sites survey under 16 U.S.C. 470-470n (P.L.
22 89-665, National Historic Preservation Act of 1966);

23 (10) review those surveys and historic preservation plans that may
24 be required, and approve properties for nomination to the National Register as
25 provided for in 16 U.S.C. 470-470n (P.L. 89-665, National Historic Preservation
26 Act of 1966);

27 (11) provide necessary assistance to the governor and the
28 legislature for achieving balanced and coordinated state policies and programs
29 for the preservation of the state's historic, prehistoric, and archeological
30 resources;

31 (12) consult with local historical district commissions regarding the

1 establishment of historical districts under AS 29.55.010 - 29.55.020 and the
2 approval of project alterations under AS 45.98.040; recommend, if appropriate,
3 the formulation of additional criteria for the designation of historical districts
4 under AS 29.55.020(b); approve plans for and evaluate the suitability of specific
5 structures for purposes of loan eligibility and continuance under the historical
6 district revolving loan fund (AS 45.98); and consult with the Department of
7 Commerce and Economic Development relative to the adoption of regulations for
8 historical district loans under AS 45.98;

9 (13) determine the correct and most appropriate names of the
10 lakes, streams, places, and other geographic features in the state and their
11 spelling;

12 (14) pass upon and give names to lakes, streams, places, and other
13 geographic features in the state for which no single generally acceptable name
14 has been in use;

15 (15) cooperate with local subdivisions of government and, with
16 their approval, change the names of lakes, streams, places, and other geographic
17 features to eliminate duplication of names in the state;

18 (16) prepare and publish an official state dictionary of geographic
19 names and publish it for sale, either as a complete whole or in parts when ready;
20 and

21 (17) serve as the state representatives of the United States Board
22 on Geographic Names and cooperate with that board so that there is no conflict
23 between the state and federal designations of geographic features in the state.

24 * Sec. 14. AS 41.35.350 is amended by adding new subsections to read:

25 (b) In carrying out its duties to name geographic features under this section,
26 the commission shall consider using Alaska Native place names for geographic
27 features in the state that have not previously been named, using Native language
28 writing systems accepted by the Alaska Native Language Center of the University of
29 Alaska at Fairbanks.

30 (c) When the commission gives a name to a lake, stream, place, or other
31 geographic feature in the state, the name is the official name of the geographic feature

1 and shall be used in all maps, records, documents, and other publications issued by
2 the state or its departments and political subdivisions.

3 (d) A person may not attempt to modify local usage or name an unnamed
4 geographic feature in an advertisement or publication without first obtaining the
5 approval of the commission. If a person violates this section, the commission shall
6 promptly announce its disapproval and shall adopt an official name for the feature.

7 * Sec. 15. AS 41.35 is amended by adding a new section to read:

8 Sec. 41.35.375. POWERS OF CHAIRMAN. Subject to available
9 appropriations, the chairman may, with the concurrence of a majority of the
10 commission, employ necessary personnel and may contract for the services of experts
11 and other persons who may be needed.

12 * Sec. 16. AS 44.37.040 is amended to read:

13 Sec. 44.37.040. DUTIES OF DEPARTMENT WITH RESPECT TO
14 HISTORIC PRESERVATION AND ARCHEOLOGY. The Department of Natural
15 Resources shall

16 (1) sponsor, engage in, and direct fundamental research into the
17 archeology of the state and encourage and coordinate archeological research and
18 investigation undertaken in the state;

19 (2) cooperate with the Alaska Historical Commission [HISTORIC
20 SITES ADVISORY COMMITTEE] in performing their functions under AS 41.35;

21 (3) ensure that historic, prehistoric, and archeological resources are
22 properly reported by persons or agencies engaged in public construction work, and
23 protect sites and objects of significance discovered at state sites or discovered during
24 the course of public construction, and encourage the protection of sites and objects
25 discovered during the course of any other construction work;

26 (4) investigate reported historic, prehistoric, or archeological resources
27 and appraise them for any future excavation, preservation, and interpretation;

28 (5) serve as a central clearinghouse for information on all historic,
29 prehistoric, and archeological resource excavation in the state.

30 * Sec. 17. AS 45.98.020 is amended to read:

31 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and

1 plan approval by a local historical district commission established under AS 29.55.010
2 or former AS 29.48.108 and the recommendation of a majority of the members of the
3 Alaska Historical Commission [HISTORIC SITES ADVISORY COMMITTEE], the
4 Department of Commerce and Economic Development may make loans to a person,
5 firm, business, or municipality subject to applicable laws for the restoration,
6 improvement, rehabilitation, or maintenance of a structure that is

7 (1) within the boundaries of a historical district established under
8 AS 29.55.020 or former AS 29.48.110 and identified as important in state or national
9 history as provided for in AS 29.55.020(b) or former AS 29.48.110(b); or

10 (2) a building or structure within a historical district, that is suitable
11 for superficial modification so that it can conform to the period or motif of the
12 surrounding buildings or structures that are the reason for the area's designation as a
13 historical district.

14 * Sec. 18. AS 45.98.030 is amended to read:

15 Sec. 45.98.030. POWERS AND DUTIES OF THE DEPARTMENT. For
16 purposes of administering this chapter, the Department of Commerce and Economic
17 Development may

18 (1) prescribe the form and procedure for submitting loan applications
19 under this chapter;

20 (2) designate agents and delegate powers to them as is necessary;

21 (3) in consultation with the Alaska Historical Commission
22 [HISTORIC SITES ADVISORY COMMITTEE], adopt regulations necessary to carry
23 out its functions, including regulations for the process of plan approval by the
24 commission [COMMITTEE] and regulations to establish reasonable fees for services
25 provided and charges for collecting the fees;

26 (4) establish amortization plans for the repayment of loans not to
27 exceed 30 years;

28 (5) collect the fees and collection charges established under this
29 section.

30 * Sec. 19. AS 45.98.060 is amended to read:

31 Sec. 45.98.060. PENALTY PROVISION. After a project for which a loan

1 is granted is commenced, if the Department of Commerce and Economic Development
2 or a local historical district commission, in consultation with the Alaska Historical
3 Commission [HISTORIC SITES ADVISORY COMMITTEE], determines that the
4 project is inconsistent with the guidelines or stipulations for construction, or otherwise
5 fails to conform to the requirements of the loan, the interest rate on the state's share
6 of the loan shall be increased to the highest rate of interest allowed at that time as
7 provided in AS 45.45.010. In addition, a penalty in the amount of two percent of the
8 balance of the loan shall be assessed by the Department of Commerce and Economic
9 Development.

10 * Sec. 20. AS 39.25.120(c)(9)(G); AS 41.35.110, 41.35.120, 41.35.130, 41.35.140,
11 41.35.150, 41.35.160, 41.35.170, 41.35.180, 41.35.190, 41.35.370; AS 44.19.054, 44.19.056,
12 44.19.058, 44.19.059, 44.19.060, and 44.19.062 are repealed.

13 * Sec. 21. TRANSITION. (a) The terms of the members of the State Geographic Board,
14 the Historic Sites Advisory Committee, and the Alaska Historical Commission terminate on
15 the effective date of this Order. The governor may appoint to the Alaska Historical
16 Commission created by this Order, a person who has served on the State Geographic Board,
17 the Historic Sites Advisory Committee, or the Alaska Historical Commission as it existed
18 before the effective date of this Order, and who meets the qualifications prescribed in this
19 Order. The terms of persons initially appointed to the Alaska Historical Commission created
20 by this Order must be set as provided in AS 39.05.055 so as to establish the staggering of
21 terms.

22 (b) Litigation, hearings, investigations, and other proceedings pending under a law
23 amended or repealed by this Order, or in connection with functions transferred by this Order,
24 continue in effect and may be continued and completed notwithstanding a transfer or
25 amendment or repeal provided for in this Order.

26 (c) Contracts, rights, liabilities and obligations created by or under a law amended
27 or repealed by this Executive Order, and in effect on June 30, 1993, remain in effect
28 notwithstanding this Order's taking effect. Records, equipment, appropriations, and other
29 property of agencies of the state whose functions are transferred under this Order shall be
30 transferred to implement the provisions of this Order.

31 * Sec. 22. This Order takes effect July 1, 1993.

DATED: _____

Walter J. Hickel
Governor

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

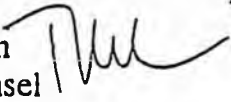
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 18, 1993

SUBJECT: Executive Order No.83
Alaska Historical Commission
(Work Order No. 8-GS1006.A)

TO: Chairs and Co-Chairs
House and Senate
Committees of Referral for E.O. 83

FROM: Terri Lauterbach 
Legislative Counsel

JAN 18 1993

For the purpose of determining if there are legal or technical drafting issues to bring to your attention, our office has reviewed Executive Order No. 83, which merges the State Geographic Board and the Historic Sites Advisory Committee into the Alaska Historical Commission in the Department of Natural Resources.

~~There is only one~~ potential legal issue to bring to your attention about this order. It concerns whether an executive order can validly remove from the partially exempt service an employee put there by the legislature through statute. Executive Order No. 83 attempts to do so.

Section 9 of the order repeals AS 41.35.375 and AS 39.25.120(c)(9)(G). These statutory sections placed the executive director of the Alaska Historical Commission in the partially exempt service. Section 15 of the order enacts new language relating to the hiring of staff without any reference to the partially exempt service. This would have the effect of placing the executive director in the classified service.

It could be argued that this change in classification of an employee goes beyond what the state constitution says can be accomplished in an executive order, i.e., the transferring of an agency's duties. However, the committee could choose to view this as an insignificant extension of an executive order since AS 39.25.130(c) already allows a position in the partially exempt service to be moved to the classified service by the personnel board upon recommendation of the commissioner of administration. This means that the governor indirectly could probably accomplish the personnel reclassification without the executive order or legislative action anyway.

— LAA LEGAL SERVICES LEGAL —
OPINION

Committees of Referral for E.O. 83

January 18, 1993

Page 2

Your options are to

- (1) recommend disapproval of the executive order, citing the attempt to accomplish more than the transfer of duties;
- (2) recommend approval of the executive order but note that this approval should not be construed in the future as precedent for acquiescing to other types of substantive changes that go beyond the transferring of agency functions;
- (3) recommend approval of the executive order.

Please let me know if this memo prompts further questions or if I can be of other assistance.

TML:mi
93-007.mai

OFFICE OF THE GOVERNOR

FACT SHEET

EXECUTIVE ORDER NO. 83: ALASKA HISTORICAL COMMISSION

Executive Order No. 83 combines the State Geographic Board and the Historic Sites Advisory Committee into the Alaska Historical Commission. It maintains the Alaska Historical Commission in the Department of Natural Resources, where the Office of History and Archaeology is located.

There has been wide support for this consolidation. The Governor's Task Force on Boards and Commissions, a legislative, executive, and public forum, recommended unanimously the consolidation of the Alaska Historical Commission, the Historic Sites Advisory Committee, and the Geographic Board.

In addition, a task force with representatives from the Alaska Historical Commission and the Historic Sites Advisory Committee, two private statewide groups (the Alaska Historical Society and the Alaska Association for Historic Preservation), and the Office of History and Archaeology reviewed the purposes of two of these boards. The Historical Commission and the Historic Sites Advisory Committee voted in support of their merger.

The functions and duties of the former boards will remain the same under the new commission. A membership of nine members is described on pages three and four of the Executive Order. Requirements such as having certain members nominated by the Alaska Historical Society, and having persons with professionally relevant backgrounds from the fields of history, architecture, or archaeology remain the same. Membership decreases from a total of 21 to 9.

We see several benefits to this consolidation:

1. Provides a coordinated effort between recognizing and presenting Alaska history, evaluating and approving historical sites, and naming geographic places, which often involves names of historical figures, places, and events.
2. Increases public accessibility as there will be one entity, instead of three, that deals with historical and geographical concerns of the public.
3. Saves money because of the decrease in total membership and lower administrative costs associated with one commission.

No additional funds are needed for this consolidation. The Department of Natural Resources and the Department of Community and Regional Affairs reflect zero fiscal notes.

The effective date for this merger is July 1, 1993.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

Alaska Historical Commission

WALTER J. HICKEL, GOVERNOR

3601 C STREET, Suite 1278
ANCHORAGE, ALASKA 99503
PHONE: (907) 762-2622

MAILING ADDRESS:
P.O. Box 107001
ANCHORAGE, ALASKA 99510-7001

November 30, 1992

Re: 1060-6 Annual Report

The Honorable Walter J. Hickel
P.O. Box 110001
Juneau, Alaska 99811-0001

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GOVERNOR'S OFFICE

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Dear Governor Hickel:

AS 41.35.360 directs the Alaska Historical Commission to submit to you an annual report of its activities. I am pleased to submit the following report for the period January 1 to December 31, 1992.

The Commission is charged with promoting the study and understanding of Alaska's history. It is the only agency with such a charge. It serves as a forum for citizens' voices in the development of State history policy.

Lieutenant Governor John B. Coghill chairs the Alaska Historical Commission. Public members include Marilyn R. Knapp of Sitka, Elizabeth A. Tower, M.D. of Anchorage, and Molly C. Tryck of Anchorage. The fourth seat is not filled. The terms of Ms. Knapp and Dr. Tower have expired, but according to statute they continue to serve until reappointed or until new appointments are made. I serve as ex-officio member of the Commission.

Commission members met once, on October 28, 1992, in Anchorage with the Historic Sites Advisory Committee. Earlier in the year, a task force with representatives from the two boards drafted legislation for merging the two entities. No action was taken during the 1992 legislative session, but the Department of Law has prepared an executive order for your consideration for the 1993 legislative session. It would merge the Alaska Historical Commission, the Historic Sites Advisory Committee, and the State Geographic Names Board into a single entity that would retain the name Alaska Historical Commission.

A major accomplishment this past year was reprinting Alaska's Heritage, the secondary level history textbook prepared by the Commission in 1986. The funds to print the book came from the receipts of sales of previous Commission-supported publications. In other news, between 1987 and September 1, 1992, 5,847 copies of the Commission's video Alaska At War have been sold.

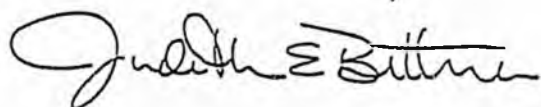
For several years, Commission members have been concerned about the haphazard organization of centennial commemorations. They sponsored a workshop on planning centennial commissions and proposed creation of a State task force to oversee coordination of activities. In October, the Tourism Coordinating Council created a Gold Rush Centennial Task Force and invited Judy Bittner to be co-chair with Wendy Wolf of the Division of Tourism. Commission member Elizabeth Tower will be a member of the task force as well. A survey has been sent out to interested members so that a meeting can be held early in 1993.

At their meeting in October, Commission members approved preparation of a gold rush time line, and authorized expending funds from its special receipts account for the project. The project reflects the members' continuing interest in preparing materials to supplement the textbook and their interest in having commemorative activities make a lasting contribution to our understanding of the past.

For the twelve month period of this report, the Commission expended \$4,200 in general funds and \$60,000 in special receipts account funds. During the period covered by this report, the Commission received \$2,868 in royalties. These will be used for future projects.

Much reduced from the 1980s, commission programs continue to assist Alaskans, historians, and groups including local historical societies, pioneer groups, students, and tourism groups.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judith E. Bittner".

Judith E. Bittner
State Historic Preservation Officer

BOARD: GEOGRAPHIC BOARD, STATE

BOARD IDENTIFICATION NUMBER: 41

TITLE: State Geographic Board

DEPT: Department of Community and Regional Affairs

AUTHORITY: AS 44.19.054

STATUS: ACTIVE

REQUIREMENTS:

PROHIBITIONS:

TERM: No term

DESCRIPTION: 8 members - 1 public appointed by Governor; plus 7 officials: Commissioner of the Dept. of Community and Regional Affairs, state museum curator, state historical librarian, Commissioners of the Dept. of Transportation and Public Facilities, Dept. of Natural Resources, the Dept. of Education, and Director of the Division of Lands in the Dept. of Natural Resources.

SPECIAL FACTS:

FUNCTION: Determines names and changes names of geographic features; prepares dictionary of geographic names; state representatives on U.S. Geographic Board.

COMPENSATION: Standard travel/per diem.

MEETINGS: 3 times per year; 3 days maximum.

*FOR FURTHER INFORMATION CONTACT: Commissioner, Dept. of
Community and Regional Affairs, P.O. Box 112100, Juneau, AK
99811-2100 PHONE: 465-4700 (Revised 3/24/92)

BOARD: HISTORIC SITES ADVISORY COMMITTEE

BOARD IDENTIFICATION NUMBER: 44

TITLE: Historic Sites Advisory Committee

DEPT: Department of Natural Resources

AUTHORITY: AS 41.35.110

STATUS: ACTIVE

REQUIREMENTS:

PROHIBITIONS:

TERM: 3 years

DESCRIPTION: 7 members appointed by Governor: 3 with professionally relevant backgrounds from each of the following fields: history, architecture, archeology; 2 representing indigenous ethnic groups; plus state museum director and state liaison officer (appointed under National Historic Preservation Act of 1966) with no terms; serve at the pleasure of Governor; committee elects chair.

SPECIAL FACTS: Quorum - 5 members. Serve at the pleasure of the Governor.

FUNCTION: Develops criteria for evaluation of monuments and historic sites, formulates and reviews surveys, approves recommendations to National Register; recommends historic preservation grant project for funding.

COMPENSATION: Standard travel/per diem.

MEETINGS: At least three times a year; two days maximum. Possibly one meeting a year via telconference.

*FOR FURTHER INFORMATION CONTACT: Chief, Office of History/
Archaeology, Division of Parks, Dept. of Natural Resources,
Box 107001, Anchorage, AK 99510-7001 PHONE: 762-2626
(Revised 10/27/92)

BOARD: HISTORICAL COMMISSION, ALASKA

BOARD IDENTIFICATION NUMBER: 45

TITLE: Alaska Historical Commission

DEPT: Department of Natural Resources

AUTHORITY: AS 41.35.300

STATUS: ACTIVE

REQUIREMENTS:

PROHIBITIONS:

TERM: 2 years

DESCRIPTION: 6 members: 4 appointed by Governor from nominees submitted each year by the Alaska Historical Society (persons who have served on the commission may be renominated); Lieutenant Governor (ex-officio) serves as chair; and the Executive Director (ex-officio) who may not vote.

SPECIAL FACTS: Annual report to Governor.

FUNCTION: Surveys, evaluates, and catalogs printed prehistory/history materials; registers work in progress; identifies sources; coordinates production and publication of works to present Alaska's past.

COMPENSATION: Standard travel/per diem.

MEETINGS: 2-3 times per year; 16 days maximum.

*FOR FURTHER INFORMATION CONTACT: Chief, Office of History/
Archaeology, Dept. of Natural Resources, P.O. Box 107001,
Anchorage, AK 99510-7001 PHONE: 762-2626 (Revised 3/24/92)

BOARDS & COMMISSIONS TASK FORCE: Individual Fiscal Notes

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

Geographic Names Board

OPERATING FY 93

Personal Services	10.7	PS includes 20% of the salary & benef
Travel	1.3	for an Executive Sec. position.
Contractual	5.3	
Supplies	0.4	
Equipment		
Land & Structures		
Grants, Claims		
Miscellaneous		
TOTAL OPERATING	17.7	

CAPITAL

REVENUE FUND SOURCE: 1004

FUNDING

General Fund	17.7	
Federal Funds		
Other Fund Source GF/PR		
TOTAL	17.7	

POSITIONS

Full-Time
Part-Time
Temporary

BOARDS & COMMISSIONS TASK FORCE: Individual Fiscal Notes

Historic Sites Advisory Commission

OPERATING	FY 93	
Personal Services		6.0
Travel		3.6
Contractual		1.0
Supplies		1.0
Equipment		
Land & Structures		
Grants, Claims		
Miscellaneous		
TOTAL OPERATING		11.6

CAPITAL

REVENUE FUND SOURCE:

FUNDING	
General Fund	11.6
Federal Funds	
Other Fund Source:	
TOTAL	11.6

POSITIONS
Full-Time
Part-Time
Temporary

BOARDS & COMMISSIONS TASK FORCE: Individual Fiscal Notes

Historical Commission

OPERATING	FY 93	
Personal Services		
Travel		3.4
Contractual		1.0
Supplies		0.8
Equipment		
Land & Structures		
Grants, Claims		
Miscellaneous		
TOTAL OPERATING		5.2

CAPITAL

REVENUE FUND SOURCE:

FUNDING		
General Fund		5.2
Federal Funds		
Other Fund Source:		
TOTAL		5.2

POSITIONS
Full-Time
Part-Time
Temporary