

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

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