

**HOUSE  
COMMITTEE REPORT**

(11)

Date referred: 3/21/86

FURTHER REFERRALS:

DATE: 4-2-86

The FINANCE Committee has considered HB 438

"An Act relating to penalties for violating the Alaska Historic Preservation Act; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 438 (JUD)  same title
- new title

and recommends DO PASS

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note 2/13/86 + 2/12/86

SIGNING DO PASS:

Albert B. Adams  
Ray Dunca  
Ronald J. Jarm  
Mike Kelly  
Fat Fouchot  
Steve King  
John Mink  
Jim Ost

SIGNING OTHER RECOMMENDATIONS:

John [unclear] (No Rec)  
Mike [unclear] (No Rec)  
[unclear] (No Rec)

Albert B. Adams  
Chairman

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

Revision Date: 02-12-86

**REQUEST** 05  
Bill/Resolution No. : HB 438 (JUD)  
Title : Penalties; Historic Preservation Act Violations.  
Sponsor : Rep Davis  
Requestor : House Judiciary  
Date of Request : 02-05-86

**FISCAL DETAIL**  
Agency Affected : Natural Resources  
Agency : Parks & Recreation Mgmt  
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>	<b>- 0 -</b>	<b>- 0 -</b>	<b>- 0 -</b>	<b>- 0 -</b>	<b>- 0 -</b>	<b>- 0 -</b>

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>- 0 -</b>	<b>- 0 -</b>	<b>- 0 -</b>	<b>- 0 -</b>	<b>- 0 -</b>	<b>- 0 -</b>

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Carol J. Wilson *[Signature]* Phone: 465-2400  
 Division: Commissioner's Office Date: 02-13-86

Approved by Commissioner: Wm D Amiel, Deputy Date: 2/13/86  
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Offered: 3/21/86  
Referred: Finance

Original sponsors: Davis and Koponen

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 438 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to penalties for violating the  
7 Alaska Historic Preservation Act; and providing for  
8 an effective date."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 41.35.210 is repealed and reenacted to read:  
11 Sec. 41.35.210. CRIMINAL PENALTIES. A person who is convicted  
12 of violating a provision of this chapter is guilty of a class A  
13 misdemeanor.  
14 \* Sec. 2. AS 41.35 is amended by adding a new section to read:  
15 Sec. 41.35.215. CIVIL PENALTIES. In addition to other penalties  
16 and remedies provided by law, a person who is convicted of violating a  
17 provision of this chapter is subject to a maximum civil penalty of  
18 \$100,000 for each violation.  
19 \* Sec. 3. This Act takes effect July 1, 1986.



# Alaska State Legislature

Representative Mike Davis

Room V  
Juneau, Alaska 99811  
(907) 465-4930/4941

Interim Office:  
P.O. Box 81435  
Fairbanks, Alaska 99708

TO: House Finance Committee

FROM: Rep. Mike Davis *Mike Davis*

DATE: April 2, 1986

RE: HB 438-Penalties for violations of the Alaska Historic Preservation Act

\*\*\*\*\*

By statutory definition in AS 41.35, any deposit, structure, ruins, site, building, grave, artifact, fossil, or other object of antiquity which provides information pertaining to the historical or prehistorical culture of people or the natural history of the state is subject to the Alaska Historic Preservation Act (AHPA). The intent of the legislation before you is to provide a higher level of protection to these valuable resources by increasing the penalties for violations of the act.

Alaska has an unusually rich and heretofore largely undisturbed reserve of historic objects which have immense value. These artifacts are eagerly sought after by collectors who are undeterred by either penalties current law provides or the need to preserve these objects for the public good. The objects range from ivory and bone tools used by the Eskimos of the Arctic and Western Alaska for thousands of years to the great wood carvings of the Tlingits of Southeast Alaska to the relics of World War II strewn across the Aleutians to the unique dinosaur bones recently found on the North Slope. Without exaggeration, many of these objects are priceless.

This bill proposes that imprisonment for up to one year and a fine of up to \$5,000 be imposed for a violation of the AHPA and that a civil penalty of up to \$100,000 also be assessed. Current statute provides for only six months and a \$1,000 fine. Two immediate goals I hope to attain by making the penalties for violations tougher is to provide a deterrent to violators and to increase the public's awareness of a serious problem.

## Professor decries artifact marketing

FAIRBANKS (AP) — An Anchorage anthropology professor says something must be done about what he calls the massive and growing problem of unauthorized collecting of valuable relics and artifacts in Alaska.

"It involves truly impressive amounts of money, income for depressed areas that sometimes have little else going for them, issues involving the rights and responsibilities of contemporary Alaska natives, and many another can of worms," William Workman of the University of Alaska-Anchorage told his colleagues Friday in remarks at the 13th annual conference of the Alaska Anthropological Association.

Workman called for stronger legislation and an extensive public-education cam-

paign to make artifact collecting by both the average person and "affluent white art collectors" socially unacceptable behavior.

Academics from across Canada and the United States gathered at the Travelers Inn in downtown Fairbanks for the conference. Papers were to be presented on Russian-America history, Alaska archaeological discoveries, subsistence, cross-cultural education, native languages, Alaska art and history.

"The history of Alaska does not begin with 1867, as it does as far as Europeans are concerned," said Lydia Black, professor of anthropology at the University of Alaska-Fairbanks.

"As far as the native population is concerned, it begins 10,000 years ago," she said.

Fairbanks Daily News-Miner  
3/11/86

3/11/86

\* Anchorage Daily News

## Anthropologist urges action on unauthorized collecting of artifacts

The Associated Press

FAIRBANKS — An Anchorage anthropology professor said last week something must be done about what he called the massive and growing problem of unauthorized collecting of valuable relics and artifacts in Alaska.

"It involves truly impressive amounts of money, income for depressed areas that sometimes have little else going for them, issues involving the rights and responsibilities of contemporary Alaska Natives, and many another can of worms," William Workman of the University of Alaska-Anchorage told his colleagues Friday at the 13th annual conference of the Alaska Anthropological Association.

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— Professor William Workman

presented on Russian-America history, Alaska archaeological discoveries, subsistence, cross-cultural education, Native languages, Alaska art and history and other topics.

"The history of Alaska does not begin with 1867, as it does as far as Europeans are concerned," said Lydia Black, professor of anthropology at the University of Alaska-Fairbanks.

"As far as the Native population is concerned, it begins 10,000 years ago," she said. "Alaska was also part of the Russian empire for 100 years, which left an impression on Alaska."

ly News-Miner, Fairbanks, Alaska

## Lawmaker is out to stem loss of aviation heritage

Preserving Alaska's aviation heritage is not simple, and competition for artifacts can be fierce.

The Alaska Historic Preservation Act was designed to protect historic, prehistoric and archeological resources. But its penalty of up to \$1,000 and/or six months in

jail" has not been effective in protecting rare aircraft.

State Rep. Mike Davis, District 19, Fairbanks, plans to change that law.

Davis' proposed amendment will change it from a \$1,000 penalty and six months in jail, to \$5,000 with up

to one year in jail. In addition a civil penalty of \$100,000 per violation will be charged. The responsibility is also broadened to include those people who assist a person who violates the Alaska Historic Preservation Act.

"Something has to be done to stem the tide of our Alaskan heritage from leaving the state," Davis said. "The recent, and ongoing, issue of the P-40s is a good example of needed legislation."

The intent of the amendment is take the profit out of stealing our Alaskan heritage. And stop those who are willing to claim rewards and make a profit out of finding artifacts for Outside interests.

Presently the charges are only a misdemeanor—still a minor criminal charge. Judith Bittner, Chief of the Office of History and

Everett Long

### Pilot's Corner



Archaeology DNR recommends changing that to a felony charge. I share that recommendation, and Davis is seeking input on recommended charges in the amendment.

The objective is usually World War II fighters found in isolated areas of the state. They are rare, which dulls the effect of a \$1,000 fine, and isolated, which makes it difficult to catch a thief.

Within the last three or four

years, two P-51 Mustangs disappeared from a lake near Selawik north of the Seward Peninsula. When asked, nobody in Kotzebue or Nome knew who took them. Nor did anyone working with state or federal agencies know anything about the missing aircraft.

Threatened aircraft in the Interior are P-39 Aircobras. The Interior and Arctic Alaska Aeronautical Foundation wishes to retrieve some of these rare WWII fighters for display in the Alaska Pioneer Air Museum.

The air museum's efforts are for public use and preservation of aviation heritage. Anyone who knows of crashed or submerged WWII aircraft are encouraged to assist.

John Cooper, director of the Alaska Historical Transportation Museum in Palmer, says he supports Davis's amendment "100 percent."

People throughout Alaska are concerned about the loss of our history. The P-40s and Mustangs are only a part of the problem. Native artifacts on the coast are often raided by people with boat access. Archaeological sites are indiscriminately robbed. It isn't just a problem involving WWII aircraft.

"I don't anticipate any opposition to this amendment," Davis said. "But it will take a concentrated effort by me and other interested people. I would certainly welcome any letters of support sent to me, or to your respective legislators."

Send letters of support to Rep. Mike Davis, Pouch V, Juneau, AK 99811. Anyone interested in protecting Alaska's treasures should support this amendment.

### Aviation Happenings

Aviation organizations can have their meetings and activities listed if they will send a schedule to the Pilot's Corner.

Jan. 20—Monday, 7:30 p.m., General membership meeting. Yukon Squadron Civil Air Patrol, CAP hangar, East Ramp.

Jan. 21—Tuesday 7:30 p.m., Interior & Arctic Alaska Aeronautical Foundation meeting. Alaska Room Fairbanks International Airport terminal. Topics: Move meeting location for accessible parking; proposed amendments to the Alaska Historic Preservation Act.

*A private pilot, Everett Long is a board member of the Interior and Arctic Alaska Aeronautical Foundation.*

Offered: 3/21/86  
Referred: Finance

Original sponsors: Davis and Koponen

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 438 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: 'An Act relating to penalties for violating the  
7 Alaska Historic Preservation Act; and providing for  
8 an effective date.'

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17 provision of this chapter is subject to a maximum civil penalty of  
18 \$100,000 for each violation.

19

\* Sec. 3. This Act takes effect July 1, 1986.

Introduced: 5/9/85  
Referred: Judiciary  
and Finance

1 IN THE HOUSE

BY DAVIS

2

HOUSE BILL NO.438

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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\* Section 1. AS 41.35.210 is amended to read:

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Sec. 41.35.210. CRIMINAL PENALTIES. A person who violates a  
12 provision of this chapter is guilty of a misdemeanor, and upon  
13 conviction is punishable by a fine of \$5,000 [\$1,000], or by  
14 imprisonment for not more than one year [SIX MONTHS], or by both.

15

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

16

Sec. 41.35.215. CIVIL PENALTIES. (a) In addition to other  
17 penalties and remedies provided by law, a person who violates a pro-  
18 vision of this chapter is subject to a maximum civil penalty of  
19 \$100,000 for each violation.

20

(b) A penalty may not be assessed unless the commissioner first  
21 issues an order to show cause why the penalty should not be levied.  
22 The order shall describe the violation with reasonable particularity  
23 and designate the maximum penalty that may be assessed for the viola-  
24 tion. The order shall state a time and place for the hearing.

25

(c) After a hearing the commissioner shall enter findings of  
26 fact and a final order that shall state when the penalties, if any,  
27 are payable. Actions to recover damages shall be brought by the  
28 attorney general, and any penalties recovered shall be deposited into  
29 the general fund.

1 \* Sec. 3. This Act takes effect July 1, 1986.