

STATE OF ALASKA

EXECUTIVE ORDER NO. 83

1993



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

1 of Historic Places or are characteristic of the Russian-American period before
2 October 18, 1867, the early territorial period before 1930, or early Native heritage,
3 reflecting the indigenous characteristics of Native culture in Alaska. On
4 recommendation of the governing body of a municipality and the Alaska Historical
5 Commission [HISTORIC SITES ADVISORY COMMITTEE], the Department of
6 Natural Resources may by regulation formulate additional criteria for the
7 establishment of historical districts not inconsistent with this subsection.

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

9 Sec. 41.35.020. TITLE TO HISTORIC, PREHISTORIC₂ AND
10 ARCHEOLOGICAL RESOURCES; LOCAL DISPLAY. (a) The state reserves to
11 itself title to all historic, prehistoric₂ and archeological resources situated on land
12 owned or controlled by the state, including tideland and submerged land, and reserves
13 to itself the exclusive right of field archeology on state-owned or controlled land.
14 However, nothing in AS 41.35.010 - 41.35.240 diminishes the cultural rights and
15 responsibilities of persons of aboriginal descent or infringes upon their right of
16 possession and use of those resources that [WHICH] may be considered of historic,
17 prehistoric₂ or archeological value.

18 (b) Although title to historic, prehistoric₂ and archeological resources is in the
19 state, local cultural groups may obtain from the state, or retain, for study or display,
20 artifacts and other items of these resources from their respective cultures or areas if
21 the commission [COMMITTEE] created in AS 41.35.300 [AS 41.35.110] finds that
22 (1) the group has a durable building with weatherproof and fireproof construction and
23 humidity control and other factors necessary to serve as a museum which will assure
24 safe preservation of the items, (2) the item sought to be obtained is not one for which
25 there is an undue risk of damage during transportation, and (3) the item sought to be
26 obtained or retained is not one requiring special treatment or care beyond the ability
27 or means of the group requesting it. A group retaining such an item or obtaining one
28 from the state shall house it in the museum building and shall make every reasonable
29 effort to assure its safe preservation. If the commission [COMMITTEE] finds that
30 a local cultural group is not properly taking care of an item the group shall return it

1 to the department.

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

3 Sec. 41.35.030. DESIGNATION OF MONUMENTS AND HISTORIC SITES.

4 Upon the recommendation of the commission [COMMITTEE], the governor may
5 declare by public order any particular historic, prehistoric₂ or archeological structure,
6 deposit, site₂ or other object of scientific or historic interest that is situated on land
7 owned or controlled by the state to be a state monument or historic site and the
8 governor may designate as a part of the monument or site as much land as is
9 considered necessary for the proper access, care and management of the object or site
10 to be protected. When an object or site is situated on land held in private ownership,
11 it may be declared a state monument or historic site in the same manner, with the
12 written consent of the owner.

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

14 Sec. 41.35.060. POWER TO ACQUIRE HISTORIC, PREHISTORIC₂ OR
15 ARCHEOLOGICAL PROPERTIES. (a) The department, with the recommendation
16 of the commission [COMMITTEE], may acquire real and personal properties that
17 have statewide historic, prehistoric₂ or archeological significance by gift, purchase,
18 devise or bequest. The department shall preserve and administer property so acquired.
19 The department may acquire property adjacent to the property having historic,
20 prehistoric₂ or archeological significance when it is determined to be necessary for the
21 proper use and administration of the significant property.

22 (b) If an historic, prehistoric₂ or archeological property which has been found
23 by the department, upon the recommendation of the commission [COMMITTEE], to
24 be important for state ownership is in danger of being sold or used so that its historic,
25 prehistoric₂ or archeological value will be destroyed or seriously impaired, or is
26 otherwise in danger of destruction or serious impairment, the department may
27 establish the use of the property in a manner necessary to preserve its historic,
28 prehistoric₂ or archeological character or value. If the owner of the property does not
29 wish to follow the restrictions of the department, the department may acquire the
30 property by eminent domain under AS 09.55.240 - 09.55.460.

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

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

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

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

8 (1) the lieutenant governor;

9 (2) the state liaison officer appointed under 16 U.S.C. 470-470n (P.L.
10 89-665, National Historic Preservation Act of 1966);

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

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

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

16 (6) one other person.

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

18 Sec. 41.35.320. APPOINTMENT OF MEMBERS. Members of the
19 commission are appointed by the governor and confirmed by the legislature meeting
20 in joint session. The members of the commission serve at the pleasure of the
21 governor.

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

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

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

29 Sec. 41.35.340. COMPENSATION. The members of the commission serve
30 without compensation but are entitled to per diem and travel expenses authorized by

1 law for other boards and commissions.

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

3 Sec. 41.35.345. OFFICERS. At the first meeting of each year, the
4 commission shall elect a chair from among its members.

5 Sec. 41.35.347. MEETINGS AND QUORUM. The commission shall meet
6 at least twice a year. Additional meetings may be called by the chair or by petition
7 of at least five members. Five members of the commission constitutes a quorum.

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

9 Sec. 41.35.350. DUTIES OF THE COMMISSION. The duties of the
10 commission are to

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

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

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

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

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

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

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

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

28 (9) cooperate with the department in formulating and
29 administering a statewide historic sites survey under 16 U.S.C. 470-470n (P.L.
30 89-665, National Historic Preservation Act of 1966);

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

5 (11) provide necessary assistance to the governor and the
6 legislature for achieving balanced and coordinated state policies and programs
7 for the preservation of the state's historic, prehistoric, and archeological
8 resources;

9 (12) consult with local historical district commissions regarding the
10 establishment of historical districts under AS 29.55.010 - 29.55.020 and the
11 approval of project alterations under AS 45.98.040; recommend, if appropriate,
12 the formulation of additional criteria for the designation of historical districts
13 under AS 29.55.020(b); approve plans for and evaluate the suitability of specific
14 structures for purposes of loan eligibility and continuance under the historical
15 district revolving loan fund (AS 45.98); and consult with the Department of
16 Commerce and Economic Development relative to the adoption of regulations for
17 historical district loans under AS 45.98;

18 (13) determine the correct and most appropriate names of the
19 lakes, streams, places, and other geographic features in the state and their
20 spelling;

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

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

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

30 (17) serve as the state representatives of the United States Board

1 on Geographic Names and cooperate with that board so that there is no conflict
2 between the state and federal designations of geographic features in the state.

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

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

9 (c) When the commission gives a name to a lake, stream, place, or other
10 geographic feature in the state, the name is the official name of the geographic feature
11 and shall be used in all maps, records, documents, and other publications issued by
12 the state or its departments and political subdivisions.

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

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

18 Sec. 41.35.375. POWERS OF CHAIR. Subject to available appropriations,
19 the chair may, with the concurrence of a majority of the commission, employ
20 necessary personnel and may contract for the services of experts and other persons
21 who may be needed.

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

23 Sec. 44.37.040. DUTIES OF DEPARTMENT WITH RESPECT TO
24 HISTORIC PRESERVATION AND ARCHEOLOGY. The Department of Natural
25 Resources shall

26 (1) sponsor, engage in, and direct fundamental research into the
27 archeology of the state and encourage and coordinate archeological research and
28 investigation undertaken in the state;

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

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

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

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

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

11 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and
12 plan approval by a local historical district commission established under AS 29.55.010
13 or former AS 29.48.108 and the recommendation of a majority of the members of the
14 Alaska Historical Commission [HISTORIC SITES ADVISORY COMMITTEE], the
15 Department of Commerce and Economic Development may make loans to a person,
16 firm, business, or municipality subject to applicable laws for the restoration,
17 improvement, rehabilitation, or maintenance of a structure that is

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

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

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

26 Sec. 45.98.030. POWERS AND DUTIES OF THE DEPARTMENT. For
27 purposes of administering this chapter, the Department of Commerce and Economic
28 Development may

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

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

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

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

9 (5) collect the fees and collection charges established under this
10 section.

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

12 Sec. 45.98.060. PENALTY PROVISION. After a project for which a loan
13 is granted is commenced, if the Department of Commerce and Economic Development
14 or a local historical district commission, in consultation with the Alaska Historical
15 Commission [HISTORIC SITES ADVISORY COMMITTEE], determines that the
16 project is inconsistent with the guidelines or stipulations for construction, or otherwise
17 fails to conform to the requirements of the loan, the interest rate on the state's share
18 of the loan shall be increased to the highest rate of interest allowed at that time as
19 provided in AS 45.45.010. In addition, a penalty in the amount of two per cent of the
20 balance of the loan shall be assessed by the Department of Commerce and Economic
21 Development.

22 * **Sec. 20.** AS 39.25.120(c)(9)(G); AS 41.35.110, 41.35.120, 41.35.130, 41.35.140,
23 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,
24 44.19.058, 44.19.059, 44.19.060, and 44.19.062 are repealed.

25 * **Sec. 21.** TRANSITION. (a) The terms of the members of the State Geographic Board,
26 the Historic Sites Advisory Committee, and the Alaska Historical Commission terminate on
27 the effective date of this Order. The governor may appoint to the Alaska Historical
28 Commission created by this Order, a person who has served on the State Geographic Board,
29 the Historic Sites Advisory Committee, or the Alaska Historical Commission as it existed
30 before the effective date of this Order, and who meets the qualifications prescribed in this

1 Order. The terms of persons initially appointed to the Alaska Historical Commission created
2 by this Order must be set as provided in AS 39.05.055 so as to establish the staggering of
3 terms.

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

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

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

DATED: January 11, 1993

/s/ Walter J. Hickel
Walter J. Hickel, Governor