

Hearings Scheduled Throughout the State

ANCSA Amendments Introduced In Congress



Members of the AFN 1991 Steering Committee work on proposed amendments to ANCSA.

Alaska Natives are one step closer to ensuring that ANCSA lands and corporations stay in Native hands with the introduction in early February of identical bills in both the U.S. Congress and House of Representatives of proposed amendments to the Alaska Native Claims Settlement Act of 1971.

The introduction of the bills by the Alaska delegation is the first step in which Congress deals with the 1991 issues surrounding ANCSA.

The House version of the bill, which was introduced by Congressman Don Young, was referred

to the House Committee on Interior and Insular Affairs, on which Young is the ranking Republican member. The Senate version, introduced by Senators Frank Murkowski and Ted Stevens, was referred to the Senate Committee on Energy and Natural Resources, of which Murkowski is a member.

"We at the Alaska Federation of

delegation in hopes the legislation will be approved this year.

The bill amends several sections of ANCSA. The major provisions of the legislation include the following:

An automatic extension of restrictions preventing alienation of stock by Native shareholders. Stock would only become alienable if the shareholders vote to remove the restrictions.

The ability of corporations to have their shareholders vote to:

- add Natives born after Dec. 18, 1971 as shareholders;
- give special benefits to Native elders (those over 65);
- add Natives who missed the original enrollment deadline;
- issue new classes of stock which would carry certain economic benefits;
- transfer land and other assets to other organizations such as non-profit organizations and IRA Councils;
- purchase stocks from shareholders who wish to sell as long as such a purchase does not imperil the financial viability of the corporation;
- provide for dissenters' rights in certain circumstances and to limit the value of those dissenters'

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Natives are very pleased to see the introduction of amendments to the Alaska Native Claims Settlement Act that the Natives of the state have worked so hard for," said AFN President Janie Leask. "For the past three years Alaska Natives have been meeting and discussing possible amendments to the act. The introduction of these amendments by the Alaska Congressional delegation and Rep. Udall are the cumulative results of those efforts.

"This year AFN plans to continue working closely with the Alaska

rights in order to protect those Native shareholders who wish to remain with the corporations;

- allow regional corporations to transfer the subsurface estate under village lands to the entity owning those surface lands.

Preserves the legal status quo on the sovereignty issue.

Extends protections to undeveloped lands so that they will not be lost because of taxation and other legal actions.

Protects the United States government from any money damages due

to court actions as a result of their legislation.

Extends certain exemptions from federal laws (i.e. securities laws) for corporations who keep their stock restricted.

Limits in certain ways the transfer of stock to non-Natives by courts in wills after death.

Provides that the provisions of Section 7(i) of ANCSA (sharing of timber and subsurface revenues by

and the strong support of interested parties, that we can move the amendments quickly through Congress."

The House Interior and Insular Affairs Committee held a hearing on 1991 issues in Anchorage last August. Hearings on the 1991 bill are currently being scheduled in Alaska. As this newsletter is being printed workshops on the bill were being held in Barrow and Hoonah. The

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regional corporations) shall not be changed by any transfer of lands by regional corporations to other entities

Special provision for Bristol Bay Native Corporation and the villages in the Bristol Bay region to use in considering a vote to extend provisions of stock alienation.

Sen. Ted Stevens, in speaking on the proposed legislation said, "As a matter of basic fairness, Congress must respond to the concerns that Alaska Natives have expressed about the future of their land settlement in connection with the 1991 provisions of ANCSA. We must make sure that the federal government keeps the promises it made to the Natives in 1971. Resolving the problems of 1991 and ensuring the success of the Native land claims settlement is in the best interest of all Alaskans and all Americans."

Stevens said further that the bill is a starting point of the legislative process and he and others plan to listen closely in hearings to comments from all individuals.

"The bill is the product of two years of deliberations in the Alaska Native community," Rep. Young said. "The Interior Committee will soon hold hearings on the bill. It is my hope that with the cooperation of my colleagues on the committee,

Senate is planning three or four more hearings on the bill in March. The tentative communities for those hearings are Fairbanks, Kotzebue, Dillingham, and Bethel. It is also expected the House will hold another hearing on the bill in April in Washington, D.C.

AFN staffers are optimistic that the amendments will be approved by Congress this year due to the favorable political situation in both Alaska and Washington, D.C.



John Shivley leads AFN 1991 Steering Committee discussion on proposed ANCSA changes.

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Alaskans should be provided a priority for subsistence use over urban Alaskans.

The poll, conducted by Hellenthal and Associates, found that 60 percent of those surveyed in both urban and rural areas, support a rural subsistence priority. The poll results confirm the vote of the people in 1982 when the vast majority of Alaskans voted that the subsistence way of life in rural Alaska should be protected by state law.

Because of these findings, and the increased pressure by the federal government to come up with some solution by June, the Native com-

munity believes the best way to solve the legal problem is to simply limit the definition of subsistence uses to hunting and fishing by rural Alaskans.

Another significant challenge recently brought to light is President Reagan's proposed 1987 budget in which \$12.4 million in programs for Alaska are either being cut or eliminated. This proposed budget is a priority of the AFN Human Resources Board who upon hearing of the cuts held a teleconference to determine just what the cuts mean to Alaska Natives.

1986 could be a year of decision for Alaska's Natives. AFN, through the support for all Natives, plans to work towards making those decisions the Natives' best interest.

1985 Convention Resolutions Affecting proposed changes

Four resolutions relating to 1991 were approved by the AFN delegates at the 1985 Convention. Below is an explanation of how they apply.

Resolution 85-03 directly affected the original 1991 resolutions passed in 1984 in that it narrowed the availability of dissenters' rights to shareholder votes on just two options: eliminating stock alienation restrictions (84-02) and transferring assets from Native corporations to other entities (84-08).

85-03 states that each corporation should be given the option of allowing dissenters' rights in certain major corporate 1991 decisions. The resolution further states that it is neither necessary nor desirable to provide for the option of dissenters' rights for all 1991 actions, such as mergers of village corporations or the issuance of stock to new Natives or elders. The option of allowing dissenters' rights should apply only if shareholders vote on terminating restrictions on stock alienation or transfers of Native corporation assets

to other entities.

Therefore, concludes 85-03, the option of allowing dissenters' rights is to be limited in the proposed AFN 1991 legislation to shareholder votes, if any, on terminating stock alienation restrictions and transferring land or other assets from Native corporations to other entities.

Resolution 85-02 authorized AFN to submit legislation to Congress based on the eight 1991 resolutions as amended and approved in 1984. The delegates also called for expansion of the 1991 Steering Committee to include village representation.

Additionally, Resolution 85-01, although not dealing specifically with 1991 legislation, endorsed the concept of tribal self-government and directed AFN to develop a strategy to protect the rights of tribes.

Finally, Resolution 85-04 acknowledged the recommendations of Thomas R. Berger in his report of the Alaska Native Review Commission titled "Village Journey."



1991 Steering Committee members finalize ANCSA amendment proposals.