

# Murkowski's 1991 package sparks debate

by Steve Pilkington  
and A.J. McClanahan

For the Tundra Times

A package of proposed 1991 amendments to the Alaska Native Claims Settlement Act, expected to be taken up by the Senate Energy and Natural Resources Committee in mid-September, are drawing the ire of some Native tribal representatives.

But the substitute bill, developed by Sen. Frank Murkowski, has the backing of the Alaska Federation of Natives.

Janie Leask, AFN president, said the substitute bill represents marked improvement over the Senate Bill that was rejected at the AFN convention last year.

"I'm really pleased that in this substitute bill, restrictions on the sale of Native corporation stock remain in place beyond 1991 — unless regions or villages decide to remove them," she said. "This represents the heart of the 1991 package sought by last year's convention delegates."

Leask said it became impossible in negotiations with Alaska's senators to accommodate tribal advocates who wanted to allow the transfer of lands out of Native corporations to tribal governments.

"The problem was that the senators would not allow this provision unless they put in a 'disclaimer' that would have actually hurt tribal governments," she said. "It would have taken away rights that existing tribal governments already have."

"And we decided we just couldn't live with this disclaimer."

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Leask pointed out that the Senate substitute does contain an opportunity for corporations to transfer lands out of the corporate structure into a state-chartered settlement trust. While this trust does not address the concerns of tribal advocates who would like to see ANCSA lands transferred to tribal entities, she said it does provide a way out of the corporate structure.

"In my mind, this is the best we're going to get out of this Congress," Leask said.

"The substitute bill proposed by Murkowski represents a good accommodation between the secretary of the Interior and the needs of AFN," said Elizabeth Johnston, vice president of Bristol Bay Native Corp. "We would look forward to that bill moving forward when Congress comes back."

The bill is being sharply criticized by the Alaska Native Coalition, however, because tribal officials are concerned about the issue of sovereignty.

The new version of Senate Bill 1145 was released by Murkowski's office last week. The House version of the bill, H.R. 278, passed the House March 31.

ANC officials are angry that the new Murkowski version has left out a section of the bill that would authorize Alaska Native corporations to transfer assets to an entity such as a tribal government, called a "qualified transferee entity."

They say they cannot support the bill unless the "QTE" section remains in.

Murkowski, however, opposes that section.

"Unfortunately, those that support sovereignty are worlds apart on that issue," Murkowski said from Washington in a teleconference Thursday with Alaska reporters.

Murkowski's proposals discriminate against Alaska Natives, according to Willie Kasayulie, ANC chairman. In a letter to villages, he said that in the Lower 48 Indian lands are protected from taxation and condemnation, but the new legislation would not provide the same protection for lands owned by Alaska Native tribes.

Another section of the bill that may be controversial is one that would authorize Cook Inlet Region Inc. to issue and sell CIRI stock to officers and employees of the corporation as part of a recapitalization plan, authorized by shareholders.

In the teleconference, Murkowski said this section was put into the bill as a way for CIRI to retain qualified managers, and he added that CIRI's economic situation is "unique."

As for continuing the restrictions on the sale of Native corporation stock beyond 1991, Murkowski's proposal contains a general rule providing that restrictions would continue, unless regional or village corporation shareholders vote otherwise.

It basically offers three main options:

- Restrictions on the sale of corporation stock would remain in place

beyond 1991 for regional and village corporations unless shareholders vote to remove them. This vote can be triggered by a vote of the board or a petition by 25 percent of the shareholders.

Dissenters in such a vote would be paid off only if a majority of shareholders vote in favor of doing so.

- Within one year of the passage of the Murkowski bill the board of any regional corporation or the board of any village in the Bristol Bay or Aleut regions could call for a vote of the shareholders to continue restrictions on the sale of the stock.

If a board triggers such a vote, dissenters would be required to be paid off.

- Any Native corporation could hold a vote of the shareholders to decide whether to initiate a "recapitalization" plan. This plan would create different classes of stock, with different voting rights, depending on the class.

Only in the case of CIRI, under this option, would stock be allowed to be sold or issued to corporate officers.

ANC officials feel Congress should not take up discussion of the bill in September, but after the AFN Convention in October.

"Any decision to drop the tribal option provision should not be made during the summer when our people are fishing or engaged in other summer activities," Kasayulie said.