

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 23, 2004
8:48 a.m.

MEMBERS PRESENT

Representative Bruce Weyhrauch, Chair
Representative Jim Holm, Vice Chair
Representative John Coghill
Representative Bob Lynn
Representative Paul Seaton
Representative Ethan Berkowitz
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

OVERVIEW OF STATE/TRIBAL RELATIONS (FIRST SESSION)

TAPES

04-44, SIDE(S) A & B

CHAIR BRUCE WEYHRAUCH convened the meeting of the House State Affairs Standing Committee at 8:48 a.m.

SUMMARY OF INFORMATION

CHAIR WEYHRAUCH acknowledged the presence of the many interested parties at this public hearing. He went on to state, that the subject matter, people testifying [by invitation only] and the length of time for testimony were set by him. Due to time constraints it will be impossible to delve deeply into any subject. He thanked Edward K. Thomas for coming forward with the idea for the hearings.

ARLISS STURGULEWSKI, speaking as a former legislator and a former member of the Rural Governance Commission, testified to her personal observations on local and regional governments. She spoke to the seriousness of such issues as the cuts to Revenue Sharing, adequate funding for safety, and the lack of clarity and consistency in relations between tribes and the State of Alaska. Ms. Sturgulewski reminded the committee that

in 1990, then Governor Steve Cowper issued an administrative order acknowledging the existence of tribes in Alaska. Less than a year later Governor Hickel rescinded that order and replaced it with the position that Alaska is one country, one people. However, failure to acknowledge the tribes was at odds with the federal government's position. In February of 1998, former Governor Tony Knowles set up the Alaska Commission on Rural Governance and Empowerment, which submitted a final report to the governor in June 1999. The commission was co-chaired by Robert Keith and Byron Mallott. Senator Sturgulewski recapped the activities of the commission. She spoke of her own experiences with the tribal communities throughout the State of Alaska.

MS. STURGULEWSKI explained that the Knowles Administration, entered into an accord - to bring some coherence between how the various administrative units of the state deal with tribes. She said she isn't aware if any other work is being done. She stressed the importance of there being a clear policy to provide top-down directives for state agencies to work with the communities, and for continued encouragement of flexible and decentralized government. Ms. Sturgulewski acknowledged that the Native Community generally avoids state government whenever possible and goes directly to Washington, D. C. The [urban/rural divide] pivots on the issue of the lack of clarification of policy, and lack of communication and understanding. She mentioned the Denali Commission and how it is affecting the health and viability of certain communities.

MS. STURGULEWSKI, in response to a question from Representative Seaton regarding her statements that tribes do not usually go to the state for help before contacting the federal government, commented that the issue is complex and relates back to money received by the tribes and communities for help with health, education [in some cases], and criminal justice. The natural thing would be to go where the money is and that would be the federal government.

EDWARD K. THOMAS, President, Central Council of the Tlingit & Haida Indian Tribes of Alaska, explained that when he first spoke with Chair Weyhrauch regarding these hearings, he had hoped that the format would be a straightforward dialogue on how the state and the tribes can work together to maximize benefits to their common citizenry. He then played a video (7-minutes) narrated by Senator Daniel Inouye of Hawaii, which Mr. Thomas felt related the sentiment of the majority in Congress regarding tribal government. At the conclusion of the video, Mr. Thomas

spoke to a myriad of issues that are endemic to the Native Community in Alaska. He also offered that what is not covered in his testimony will probably be covered by others testifying during these hearings. Mr. Thomas spoke of the importance of the \$800 million in funding that comes to the State of Alaska because of tribes and Native communities. He stressed the importance of both the State of Alaska and tribes focusing on a positive sense of providing basic needs to their common citizenry.

DAVID CASE, Attorney at Law, has worked with the Alaska Federation of Natives and the Department of the Interior in the Office of the Solicitor. Currently, he represents a number of Native institutions in-fact or in-law, Native corporations, village tribes and municipalities. He stated his opinion that all aspects of state/tribal relations need to be viewed as an important part of the solution to common issues. Mr. Case described his experience with the Alaska Federation of Natives (AFN) Bush Justice. In response to Representative Lynn, Mr. Case offered an explanation of how tribal courts deal with infractions of non-natives in villages, and how justice is served when two people commit the same crime in the same place and one is a Native and the other is not.

KEN BREWER, President/CEO, Southeast Alaska Regional Health Consortium (SEARHC), noted that the consortium is a coalition formed by the federally recognized tribes in Southeast Alaska for healthcare purposes. Under the Indian Self-determination Education Assistance Act the tribes are allowed to delegate their authorities to contract with the federal government for services. For tribes in Southeast, that authority has been delegated to SEARHC, a nonprofit corporation in Alaska, to manage healthcare for Alaska Natives/American Indians from Yakutat to Prince of Whales Island. This is one of many coalitions throughout Alaska; the Alaska Native Health System is 100% tribally managed. This is only area in the nation that is 100% tribally managed by contract or compact with the Federal government. He went on to comment about the strong effort on the part of the commissioner of the Department of Health and Social Services to encourage non-Native healthcare providers to collaborate in matters with Native healthcare providers in order to create a connection that allows the State of Alaska to receive 100% reimbursement for Medicaid eligible Native healthcare recipients. He further noted that this collaboration makes sense in most instances, but in some cases it does not make practical business sense because the area where Native Medicaid eligible recipients are getting their care are areas of

healthcare where the Native health delivery system has never been involved; particularly in the area of residential behavior health - residential psychiatric treatment centers. The state is spending the most money in the area on Native Medicaid eligible recipients for which it is not getting reimbursed. He related that SEARHC remains concerned over the stability of rural health in Alaska.

MYRON NANENG, SR., President, Association of Village Council Presidents (AVCP), a regional organization that provides human and social services to about 56 villages in the Yukon-Kuskokwim Delta. This includes federal and state services either by contract or compact. Some of the services included are tribal services, social services, housing improvement programs, education employment training, realty - which includes the Native restricted land, Native allotments, natural resources, and environmental programs. He went on to describe other programs provided by AVCP which include vocational rehabilitation for the disabled, Headstart programs in 11 villages within the region, a wellness program, economic development planning for village infrastructure, the Temporary Assistance for Needy Family program (TANF), the Village Public Safety Officer program (VPSO), and a flight training school. Mr. Naneng urged the people of the villages and other communities of Alaska to work together for the good of the state.

BOB HENRICH, President, Native Village of Eyak Traditional COUNCIL, testified to the positive working relationship that has been developed between the City of Cordova and the Traditional Native Village of Eyak. The relationship has blossomed over the last few years and has resulted in higher employment, better health care in the Cordova/Eyak area as well as serving as a role model for villages and communities throughout the state. He attributed the success, in part, to practical business sense.

ANNOUNCEMENTS

There were no announcements.

COMMITTEE ACTION

The committee took no action.

ADJOURNMENT

CHAIR WEYHRAUCH thanked the day's participants and announced the subject matter for the hearing on Thursday, March 25, 2004. The hearing was adjourned at 9:50 a.m.

NOTE: The meeting was recorded and handwritten log notes were taken. A copy of the tape(s) and log notes may be obtained by contacting the House Records Office at State Capitol, Room 3, Juneau, Alaska 99801 (mailing address), (907) 465-2214, and after adjournment of the second session of the Twenty-Third Alaska State Legislature this information may be obtained by contacting the Legislative Reference Library at (907) 465-3808.