

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 21, 2006
8:02 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Carl Gatto, Vice Chair
Representative Jim Elkins
Representative Bob Lynn
Representative Jay Ramras
Representative Berta Gardner
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

STATE COMMISSION FOR HUMAN RIGHTS

- HELD

HOUSE JOINT RESOLUTION NO. 27

Urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

- HEARD AND HELD

HOUSE BILL NO. 45

"An Act amending the definition of the term 'lobbyist' in the Regulation of Lobbying Act; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 344

"An Act relating to the commissioner of administration's appointing agents to perform for compensation certain

transactions related to vehicles; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HJR 27

SHORT TITLE: ALLOTMENTS FOR NATIVE VIETNAM VETERANS

SPONSOR(S): REPRESENTATIVE(S) COGHILL

01/18/06	(H)	READ THE FIRST TIME - REFERRALS
01/18/06	(H)	MLV, STA
03/02/06	(H)	MLV AT 1:00 PM CAPITOL 120
03/02/06	(H)	Moved CSHJR 27(MLV) Out of Committee
03/02/06	(H)	MINUTE(MLV)
03/03/06	(H)	MLV RPT CS(MLV) 4DP
03/03/06	(H)	DP: THOMAS, ELKINS, DAHLSTROM, LYNN
03/21/06	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 45

SHORT TITLE: CONTRIBUTIONS, LOBBYISTS, DISCLOSURE

SPONSOR(S): REPRESENTATIVE(S) WEYHRAUCH

01/10/05	(H)	PREFILE RELEASED 12/30/04
01/10/05	(H)	READ THE FIRST TIME - REFERRALS
01/10/05	(H)	STA, JUD
02/23/06	(H)	STA AT 8:00 AM CAPITOL 106
02/23/06	(H)	Scheduled But Not Heard
03/14/06	(H)	STA AT 8:00 AM CAPITOL 106
03/14/06	(H)	Scheduled But Not Heard
03/16/06	(H)	STA AT 8:00 AM CAPITOL 106
03/16/06	(H)	Heard & Held
03/16/06	(H)	MINUTE(STA)
03/21/06	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

RANDALL H. ELEDGE, Appointee
to the Human Rights Commission
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Human Rights Commission.

REPRESENTATIVE COGHILL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HJR 27 as sponsor.

CAROL YEATMAN, Supervising Attorney
Native Allotment Program
Alaska Legal Services Corporation
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 27.

JIM McCRACKEN
Seward, Alaska

POSITION STATEMENT: Testified on behalf of himself during the hearing on HJR 27.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at [8:02:16 AM](#). Representatives Gatto, Lynn, Gardner, and Seaton were present at the call to order. Representatives Elkins, Ramras, and Gruenberg arrived as the meeting was in progress.

CONFIRMATION HEARING(S)

State Commission for Human Rights

[8:03:23 AM](#)

CHAIR SEATON announced that the first order of business was the confirmation hearing on the State Commission for Human Rights.

[8:03:50 AM](#)

RANDALL H. ELEDGE, Appointee to the Human Rights Commission, told the committee that he has been in Alaska since 1982. He noted various capacities in which he has served, including on the board of directors for Girl Scouts of America and the Better Business Bureau. He emphasized the importance of giving back to the state some of the things it has afforded him and his family. He noted that he has served on the Commission of Human Rights for one year, and he said not only has he found the experience educational, but also he stated his belief that he has "made a contribution."

[8:04:52 AM](#)

REPRESENTATIVE GARDNER told Mr. Eledge she ultimately would like an explanation of the language of 6 AAC 30.410(b) [regarding commencement of a hearing process], which read as follows:

(b) The commission shall request that the chief administrative law judge appoint an administrative law judge to preside as the hearing examiner at the hearing.

[8:06:36 AM](#)

REPRESENTATIVE GARDNER noted that the Human Rights Commission used to have a web site with information about its members and activities. She said it appears there is no information available currently, and asked Mr. Eledge if he knows anything about that.

[8:06:58 AM](#)

MR. ELEDGE said he will talk to staff about that issue. He said he thinks the web site is a great tool to use to get information out to people in the state. He mentioned issues related to underfunding and being understaffed.

[8:07:45 AM](#)

REPRESENTATIVE GRUENBERG asked Mr. Eledge if he remembers a conversation held over the interim, involving Mr. Eledge, Representative Gruenberg, and Tammy Miller, and, if so, if he would relate it now.

[8:09:07 AM](#)

MR. ELEDGE recalled that Representative Gruenberg had opined that some of the constituents in his district are not being served. He also recalled that the topic of funding and being short staffed at the Human Rights Commission was broached.

REPRESENTATIVE GRUENBERG indicated that it was the view of [Ms. Miller] that it was not the case that [Representative Gruenberg's constituents need additional support], because "they frosted their cupcakes better than people in Oceanview." He asked if Mr. Eledge shared that view.

[8:11:09 AM](#)

MR. ELEDGE responded that he thinks there is a job to do within the state, and the laws that exist apply to everyone, regardless of their social or economic stature. If someone is not taken care of as state statutes demand, he said, then that person has a legitimate claim to bring forward.

[8:11:47 AM](#)

REPRESENTATIVE GRUENBERG brought to light for the committee that the aforementioned conversation pertained to the human rights bill that is before the legislature, specifically to an adopted amendment that [the Human Rights Commission] wanted removed. The amendment would give people up to a year to bring a complaint before the commission, as opposed to only six months. He asked Mr. Eledge for his response.

[8:12:33 AM](#)

MR. ELEDGE said he remembers discussion regarding the economic impact and the caseload that would be brought about by the amendment. He said discussion also surrounded "the staleness of cases as they linger on." He opined that if the human rights cases can be taken to closure more quickly, then the state is better served.

[8:13:45 AM](#)

REPRESENTATIVE GRUENBERG said he recalls the conversation differently; he stated his recollection is that Mr. Eledge expressed the view that a quicker process better serves the interest of the employers.

[8:14:27 AM](#)

MR. ELEDGE responded that that is not the way he remembers the conversation and that certainly was not his intent. He stated, "Regardless of whether it's an employer or an employee, it still has to be fair, just, and honest." If an employer or property owner is allowed to continue with behavior that is not within state law, he said, then that situation must be changed as quickly as possible.

[8:15:22 AM](#)

REPRESENTATIVE GRUENBERG stated his appreciation for having had the opportunity to clarify the matter with Mr. Eledge.

The committee took an at-ease from [8:15:58 AM](#) to [8:17:30 AM](#).

[8:17:33 AM](#)

MR. ELEDGE, in response to a request from Chair Seaton to address Representative Gardner's previous question regarding the regulation she had cited, recommended that Representative Gardner speak with Paula Haley about the matter.

[8:20:45 AM](#)

REPRESENTATIVE GARDNER, in response to Chair Seaton's interpretation of the previously cited new language, said she understands the language, but would like to hear Mr. Eledge espouse whether or not he thinks it's "a good thing or a bad thing."

MR. ELEDGE replied that because he has not yet been to a hearing, he does not have the frame of reference with which to respond.

REPRESENTATIVE GRUENBERG asked why, after one year serving on the board, Mr. Eledge has not yet been to a hearing.

MR. ELEDGE explained that he has been appointed to four cases, but none of them have required a hearing.

[8:21:31 AM](#)

MR. ELEDGE, in response to Representative Gruenberg, said he does not know the time period between a filing of an action and the commencement of a hearing, but deferred again to Paula Haley of the commission staff for an answer. In response to a follow-up question from Representative Gruenberg as to whether that time period has increased, decreased, or remained steady over time, he offered a gut response that after adding one hearing officer, the commission is "on the road to decrease that time."

[8:23:59 AM](#)

REPRESENTATIVE GARDNER asked Mr. Eledge if he has any experience, training, or longstanding interest in human rights issues.

MR. ELEDGE said he majored in Management in school back in the '70s, when perhaps the issues of human rights were not focused on as much as they are now. Notwithstanding that, he revealed

that he ran his own business for nine years, which taught him to be knowledgeable about human rights issues. He offered some examples.

8:26:24 AM

MR. ELEDGE, in response to a question from Representative Lynn, said he had expressed his desire to serve the State of Alaska, and the Human Rights Commission was one for which he felt he had "a bit of a frame of reference." He stated his hope was to bring to the commission his fairness and ability to make decisions. In response to follow-up questions from Representative Lynn, he recalled the steps that were taken to get him into his present position, but he could not relate what type of service brought himself to the attention of the governor's office.

8:29:17 AM

REPRESENTATIVE GRUENBERG asked Mr. Eledge if he, or any of his friends or associates, has ever been involved in a proceeding before the Human Rights Commission.

MR. ELEDGE mentioned wage and hour disputes that could be construed as something that the Human Rights Commission should have looked into. He also mentioned "a lady on the slope that was sexually discriminated against." He indicated that no one has requested his counsel or guidance "in that arena."

8:31:54 AM

REPRESENTATIVE GARDNER read from a paper entitled, "Notice of Proposed Changes in the Regulations of the Alaska State Commission for Human Rights," dated February 10, and signed by Stephen Koteff, Chief of Enforcement. She noted that the notice includes the language to which she had previously referred. She asked Mr. Eledge, "Do you know if these changes are discussed by the commission, or is there one person who sort of does it all in the name of the commission?"

MR. ELEDGE said the commission makes decisions together. He said he was present at the most recent meeting, but cannot find the packet of information that would help him to answer Representative Gardner's question about the aforementioned language without misstating the matter.

8:34:14 AM

REPRESENTATIVE GRUENBERG said he has heard that the Human Rights Commission is less effective than it has been in past years. He asked for Mr. Eledge's response.

MR. ELEDGE stated that he takes that comment personally, and he questioned what measuring devise was used to come up with that statement. He posited that the current commission staff is one of the most professional that he has had the opportunity to interact with. He offered further details.

REPRESENTATIVE GRUENBERG said the comment he had heard was not made with any specificity, thus he does not know if it had anything to do with funding issues, or something like that. He stated for the record that nothing he has said today was meant to be taken personally.

[8:36:40 AM](#)

REPRESENTATIVE GATTO moved to forward the name of Randall H. Eledge to the joint session of the House and Senate for confirmation.

[8:38:06 AM](#)

REPRESENTATIVE GARDNER objected. She stated concern that after serving a year on the commission, Mr. Eledge is unable to answer a question about a change "that's coming through just in recent weeks." She said she doesn't see anything in Mr. Eledge's background that shows that he is the best available for the commission, thus, she has concerns.

[8:38:38 AM](#)

REPRESENTATIVE GRUENBERG stated that he is not certain how he will vote.

[8:39:20 AM](#)

REPRESENTATIVE LYNN said he has concerns about what he is not hearing, but nonetheless will not oppose the motion.

[8:39:36 AM](#)

REPRESENTATIVE GARDNER removed her objection. There being no further objections, the confirmation of Randall H. Eledge was advanced from the House State Affairs Standing Committee.

MR. ELEDGE added that he would draft and send a letter to Representative Gardner in response to her concerns.

[8:40:43 AM](#)

HJR 27-ALLOTMENTS FOR NATIVE VIETNAM VETERANS

[8:40:47 AM](#)

CHAIR SEATON announced that the next order of business was HOUSE JOINT RESOLUTION NO. 27, Urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

[8:40:48 AM](#)

REPRESENTATIVE COGHILL, Alaska State Legislature, introduced HJR 27 as sponsor. He said the proposed legislation will "dove tail" with two bills currently in the U.S. Congress: H.R. 1811, by U.S. Congressman Don Young, and S. 2000, by U.S. Senator Lisa Murkowski. He said the Native allotment has an interesting history, having been initiated in 1906. Through the Twentieth Century, he said, only a handful of allotments "came to be." He said the Allotment Act was [repealed] in 1971, but was reopened in 1998 [through Public Law 105-276] to allow certain Vietnam veterans to apply. The problem, Representative Coghill explained, is that U.S. Congress set the definition of a Vietnam veteran as one who served from [January 1, 1969, to December 31, 1971], when actually [the Vietnam conflict began August 5, 1964, and ended May 7, 1975]. He indicated that the two bills currently in U.S. Congress would extend the dates to encompass that wider range.

REPRESENTATIVE COGHILL stated that HJR 27 will ask U.S. Congress to open up legislatively approved land allotments, the qualification of which would vary slightly from the original qualifications. He explained that some lands have been selected for national forests, reserves, and parks and, thus, are "now really off the table." He said, "They had to prove some use of that land previous to that, and this bill would open it up to allowing them to get lands that are available, even though they didn't particularly use those." Representative Coghill said he thinks that's fair. He said the allotments would be selected

primarily from federal lands, but if any state land issues arise, he said he is committed to following them through.

REPRESENTATIVE COGHILL indicated that HJR 27 will focus on those Vietnam veterans who were out of state, serving the country at a time when the application process was being shut down. He added, "And then when they did reopen it, it was so cumbersome, it was hard to get to some of those people; many of them didn't even know they could apply."

[8:44:52 AM](#)

REPRESENTATIVE COGHILL said the bill would also require the reexamination of a court case: Shields v. United States, 698 F.2d 987 (9 Cir., 1983), which closed down allotments in the Tongass National Forest. He said there were approximately 300 allotments left hanging as a result of that particular court decision. He noted that the House Special Committee on Military and Veterans' Affairs assisted him in deciding who should receive the resolution.

[8:47:16 AM](#)

REPRESENTATIVE COGHILL, in response to a request for clarification from Representative Gardner, explained that the application process itself was unfair; it was complex and not well orchestrated. Many military participants did not even get notified. Another fairness issue, he said, stems all the way from the beginning of the allotments to the time that the Act was repealed. He said, "Up until the time that they said they were going to close them, just a handful of allotments had even been applied for, because it was probably one of the best kept secrets of that century. So, there's kind of a generational fairness issue there." Furthermore, when the applications did come in there was some confusion as to the process. He reiterated the issue of the discrepancy in the actual Vietnam War dates and said that, too, was a fairness issue.

[8:49:08 AM](#)

CHAIR SEATON directed attention to [the last paragraph] on page 7 of 58, within tab 1, of the handout from the sponsor entitled, "A Report Concerning Alaska Native Allotments And Alaska Native Vietnam Veteran Allotments," which read:

To account for the significant numbers of veterans not enrolled or not listed, adding 20 percent (see Section

IV) to the number of enrolled veterans who did not apply (number 1 below) equals about 2,750. To account for possible additional unforeseen applicants, we have adapted a figure of 2,800 as the top estimate of possible applicants.

8:50:13 AM

REPRESENTATIVE COGHILL said that would be the upper number, but the reality is that not all of them would apply. In response to a follow-up question from Chair Seaton, he explained his prediction that not all would apply is based on history. He said, "At the time that they were closing the Native allotments there were probably 58,000 Natives, and I think at that point there [were] only about 10,000 applications."

8:51:02 AM

CHAIR SEATON said at that time a person had to show "a use of the specific piece of land" to get the allotment, but that would not be required with the new opening. He said it seems like that would make more people want to apply.

8:51:51 AM

REPRESENTATIVE COGHILL said, "I think that there would still have to be a historical connection." He said the use and occupancy requirements would [require] legislative approval.

8:53:58 AM

REPRESENTATIVE GRUENBERG asked if heirs of the veteran will be able to apply, should that veteran die.

8:54:16 AM

REPRESENTATIVE COGHILL said he doesn't know.

REPRESENTATIVE GRUENBERG said he hopes so.

8:54:56 AM

CAROL YEATMAN, Supervising Attorney, Native Allotment Program, Alaska Legal Services Corporation, told the committee that she has worked exclusively for Native allotment clients for the last 7.5 years. She thanked Representative Coghill for sponsoring HJR 27. She emphasized the importance of the proposed

resolution because it would encourage U.S. Congress to "do what is right for many of Alaska's citizens."

MS. YEATMAN said HJR 7 would provide a chance for obtaining allotment in the Tongass National Forest, which three generations of people lost when the land was withdrawn long ago. She said the federal government developed a rule that the land must be used prior to the land's withdrawal in order to be eligible for an allotment.

9:00:42 AM

MS. YEATMAN offered some of the history of the Native allotments since territorial days. Many Natives died when forced from their lands. President Roosevelt was encouraged to pass a law that would give Alaska Natives title to land that they needed to survive, which was the birth of the Alaska Native Allotment Act of 1906. She echoed Representative Coghill's previous remark that the Native allotment was the best-kept secret that the government had. Very few Native people in Alaska spoke English at the time and there were no notices or advertisements. By 1955, there were only a handful of allotments that had been certified - 79 total. Ms. Yeatman said in 1970 the Bureau of Indian Affairs (BIA) realized that there was only one year left before the Native Claims Settlement Act would repeal allotments, so "they set out in one year to try to cover the entire state and collect applications." At that time, she noted, there were an estimated 60,000 Alaska Natives, but only 8,000 applications were filed in the year prior to the repeal of the Act, which she said "is nothing compared to the number of ... Native people that were here and should have applied."

9:03:22 AM

MS. YEATMAN said she thinks it was because of Senator Ted Steven's frustration with the slowness of processing the Native allotment applications, that a provision was put into the Alaska National Interest Lands Conservation Act (ANILCA) that allowed for legislative approval. She said Senator Stevens' intent to have legislative approval was to shortcut a 20-year process into six months, or less. The only problem with the legislative approval provision for the regular allotments, she said, was that there were a number of exceptions. For example, the state was given veto power over legislative approval, and the Department of Natural Resources filed protests which initiated the veto power for approximately 6,000 applications.

MS. YEATMAN emphasized the importance of having legislative approval. She revealed that BLM officials came to her several months ago asking for her support of legislation that would apply legislative approval to the 200 pending veteran allotment applications that it decided must go to hearing. Ms. Yeatman estimated that if legislative approval is not applied to those 200 applications, it would take about 50 years for BLM to finally process them.

[9:06:26 AM](#)

MS. YEATMAN stated that the other result of the legislative approval provision is that it "eliminates the conflict with other lands." She explained:

If use and occupancy is required again like it was in the existing law, what that means is people can only apply for land they can use. Much of that land is unavailable; it's been selected and patented to the state and native corporations, and therefore, there's little land available that somebody used. ... Legislative approval means they can select land that is vacant federal land or land that the corporation of the state will voluntarily relinquish, and so there's no need to have the conflicts that are inherent in the existing law.

[9:07:21 AM](#)

MS. YEATMAN addressed the previous question related to how many applicants there may be if the applications are opened to the entire Vietnam Nam era. She said it is estimated that there would be 2,800, some of which would not apply because they have already received allotments. A number of veterans applied but are not eligible under the existing or amended law. She explained that a veteran has a second chance to apply for an allotment, but does not get more than one allotment.

[9:09:35 AM](#)

MS. YEATMAN said another factor that would reduce the number of applicants is that the amendment allows veteran allotments on vacant federal land; however, there are areas around the state that have no vacant federal land. The next step, she said, would be to try to find corporation or state land that the corporation or the state is willing to give up. She stated that in September 2000, the then commissioner of DNR issued a

memorandum describing the types of land that the state would be willing to give up if the law was changed to allow the state to do so. Many corporations have also said they would do the same. Ms. Yeatman said she is certain there will be people who need to apply for state or corporation land, because that is all that is nearby. Ms. Yeatman said there are also several hundred veterans who have pending veteran allotments now who would not apply under the new amended versions.

MS. YEATMAN said she thinks there have been questions regarding why Alaska Native Vietnam Nam veterans want an allotment in the first place. She said environmental groups have implied that casinos with blinking neon lights will be opened in the forests. Ms. Yeatman revealed that among the up to 1,000 veterans that she has spoken with over the past 4-5 years, there is one common thread they all share: the reason they want an allotment is to maintain a subsistence lifestyle comprised of fishing, hunting, and trapping. Therefore, they want to choose land [close enough to where they live] in order to carry out those activities. Many want part of the land that has been traditionally used. She said that is especially true in Southeast Alaska. She said there are approximately 578 Vietnam veterans in Southeast Alaska that are completely excluded under the existing Veteran's Allotment Act, because the Act expressly states that veteran allotments are not allowed in national forests. Ms. Yeatman pointed out that if each one of those veterans received 160 acres, which is the maximum amount allowed, that would only amount to approximately 92,500 acres out of the 19.8 million acres of national forest.

[9:13:08 AM](#)

CHAIR SEATON asked Ms. Yeatman if she is saying that if eligible Native Vietnam veterans could not apply for land near to where they live, they would not apply at all.

[9:13:37 AM](#)

MS. YEATMAN responded that she does know that a number of veterans did apply for land on which they could hunt, fish, or trap, but those lands were state or corporation lands and not available for veteran allotments under existing law. She said, "Let's say the amendment goes through, and they're allowed to pick state or corporation land, they still aren't going to get an allotment unless the state or the corporation agrees to give it up."

[9:14:52 AM](#)

REPRESENTATIVE GATTO asked if there was a requirement that the federal government "advise people of some opportunities," and barring that, if the BIA has "an obligation." He asked if it would have been considered "normal past practice" if those obligations don't exist.

[9:15:29 AM](#)

MS. YEATMAN stated her understanding that the [federal] government did have an obligation to provide notice of Native allotments beginning in 1906. She stated her reason to believe that is that when the homestead laws were applied in Alaska, much notice was given, thus, at the very least, to be fair, Alaska Natives should have been informed about the Act. She said the second reason she believes that, is that the purpose behind the Native Allotment Act of 1906 was to protect the land that Native people use to get food.

[9:16:38 AM](#)

REPRESENTATIVE GATTO asked when the BIA came into existence.

[9:16:49 AM](#)

MS. YEATMAN stated that the predecessor to the BIA was the Department of War, followed by the Department of Education. She said the BIA began in the 30s or 40s. She stated, "The Bureau of Indian Affairs and [its] predecessor, [the] Bureau of Education, certainly did have a responsibility for informing Alaska Natives about the allotment opportunity."

[9:18:56 AM](#)

MS. YEATMAN, in response to a question from Chair Seaton, said the latest figure that she has from the BLM is that there were a total of 743 applications filed for veteran allotments.

[9:19:07 AM](#)

CHAIR SEATON observed that that number is different than the information [on page 7 of 58]. He asked Ms. Yeatman to send her source by facsimile to his staff.

[9:19:40 AM](#)

MS. YEATMAN clarified that the report to which Chair Seaton is referring was issued prior to the applications for veteran allotments, which were taken from July 31, 2000, to the closure on January 31, 2002.

CHAIR SEATON again referred to language on page 7 of 58, which read as follows:

The fourth through sixth periods are subsets of the third period to determine how many veterans may have had time to apply during the third period, because they were not in active military service over the entire period. Overall, 179 of 2,469 enrolled Alaska Native Vietnam Era veterans applied for allotments.

CHAIR SEATON asked Ms. Yeatman if she is saying that "this was previous to that under the allotment," and there was another opening in 2000.

MS. YEATMAN responded:

I think the number that they're talking about ... is the number of veterans that have applied under the Alaska Native Allotment Act of 1906. So, if you take that figure, and you add it to the 743 applications that were filed by veterans for a veterans' allotment, you'll have some idea about how many you could subtract from the 2,800 number.

... I'd like to also just say a few words about those numbers. When you look at the state of Alaska and you realize that the ... federally owned land is 60 percent of the state, or about 240 million acres, and that the forest service has management authority over 19.8 million acres, and that private land today represents less than 1 percent of the total, it's pretty clear that even if the 2,800 veterans received allotments, it wouldn't really make a dent in the number of federally owned acres. And under the federally granted land programs, Native allotments that are certified today only represent 48 percent of the total. So, we are talking about a very small amount of land, even though maybe 2,800 seems like a lot of people.

MS. YEATMAN, in response to a question from Chair Seaton, clarified that Native allotments are 48 percent of the total

number of acres of federally granted land, or land that has been conveyed to private individuals under some sort of federal program, including Native allotments, homesteads, mining claims, and trade manufacturing sites.

[9:22:52 AM](#)

CHAIR SEATON asked, "So, 48 percent of the current distribution of federal lands to private individuals through those different mechanisms is in Native allotment?"

[9:23:03 AM](#)

MS. YEATMAN answered that's correct.

[9:23:08 AM](#)

REPRESENTATIVE GARDNER asked if it is an accurate statement to say that a Native of Southeast Alaska, not being able to get an allotment near home, because it is in the Tongass National Forest, and subsequently being refused an allotment from the state or a corporation, would then have to seek land further away from his/her home.

[9:24:12 AM](#)

MS. YEATMAN said she thinks that person would be supportive of the amendments to the Act, because under the amended law it would be possible for that person to apply for his/her traditional lands. She explained that the amended law would include the Tongass National Forrest, which has in it vacant federal land. She said a person who cannot get land nearby his/her home will most likely not apply, because he/she would not want to attempt to subsist off of land that far away.

[9:25:34 AM](#)

REPRESENTATIVE GARDNER asked if there is anything that would prevent a person from getting an allotment far from home, selling it, and using the money to buy land closer to home.

[9:25:54 AM](#)

MS. YEATMAN responded that although that could be done, she doesn't know of anyone who has done it.

[9:26:24 AM](#)

MS. YEATMAN, in response to a request from Chair Seaton, she reiterated the definition of vacant federal land.

[9:27:07 AM](#)

REPRESENTATIVE GARDNER asked if there are any restrictions to what a Native person could do with a land allotment.

[9:27:27 AM](#)

MS. YEATMAN answered that there are no restrictions; an allotment recipient has "almost all the same rights as [a] private landowner."

[9:28:04 AM](#)

CHAIR SEATON asked if the allotments could be anywhere within a national park, provided national parks were opened.

[9:28:30 AM](#)

MS. YEATMAN replied that's correct.

[9:28:36 AM](#)

REPRESENTATIVE GARDNER asked what kind of criteria and timeline the BIA would use or require if a Native veteran were to gain an allotment and wanted to do something with the land.

[9:28:58 AM](#)

MS. YEATMAN said it takes one to five years to get that approval. She said the only criterion that is applied is that the sale of restricted property, such as Native allotments, must get fair market value (FMV). She said BIA has a process by which it appraises the allotment and then it is put out for sale. She said it's a fairly simple process, but for some reason it does take a lot of time.

[9:31:37 AM](#)

REPRESENTATIVE GRUENBERG asked Ms. Yeatman if HJR 27 would allow heirs of deceased Native Vietnam veterans to apply for the allotment.

[9:31:47 AM](#)

MS. YEATMAN replied, "Under existing law, the answer is no; under the amended version, the answer is yes." She shared that one of the most heartbreaking tasks that she has experienced has been to advise people who ask her why they can't apply for a veteran allotment for a relative who died between 1971 and when the allotment applications opened in July 2000.

[9:31:58 AM](#)

REPRESENTATIVE GRUENBERG asked Ms. Yeatman to confirm that "this will cure it" not only for new applicants, but also for those heirs who were denied under existing law.

[9:32:13 AM](#)

MS. YEATMAN answered that's correct. In response to a follow-up question from Representative Gruenberg, she said the proposed resolution "recognizes that by supporting the amendments that are currently in Congress." She added, "Both versions - the one in the [U.S. House of Representatives] and the [U.S.] Senate - ... have that provision in it.

[9:32:53 AM](#)

REPRESENTATIVE GRUENBERG recommended including another "whereas" in the resolution "so that we specifically recognize and endorse that."

[9:33:37 AM](#)

MS. YEATMAN, in response to a question from Representative Gruenberg, said both the existing and amended language cover all those who served honorably in the military during the Vietnam Era, not just those who actually served over in Vietnam.

[9:34:34 AM](#)

MS. YEATMAN, in response to Representative Gruenberg, explained that when she had previously mentioned a proposal that the BLM came to her with some months ago, she was talking about the BLM's desire to get legislative approval for the existing 200 pending veteran allotment cases. She said that process is still in the works.

[9:36:25 AM](#)

CHAIR SEATON asked Representative Gruenberg to contact Ms. Yeatman for further discussion not related directly to the bill.

[9:36:50 AM](#)

REPRESENTATIVE GRUENBERG asked Ms. Yeatman if HJR 27 should also urge adequate funding.

[9:37:16 AM](#)

MS. YEATMAN said she is not certain that is necessary, because if the new law is passed, there will be legislative approval, which, as she previously stated, will shorten the time from a 20-year to a 6-month process. She said she doesn't think that would be an added fiscal burden to the federal government. She stated that there may be an added fiscal burden to the state in developing some sort of procedure for voluntarily relinquishing land. She said, "I think the funding is already in place for the Bureau of Land Management and certainly for the Bureau of Indian Affairs to deal with allotments."

[9:38:46 AM](#)

REPRESENTATIVE GATTO, regarding a situation where the applicant has died, asked if the application stays open in the hope that a resolution will be passed that will allow the heirs to pick up the application.

[9:39:04 AM](#)

MS. YEATMAN stated that that issue was actually litigated years ago, because it was the position of the Department of Interior that once the applicant died, the heirs inherited no right to continue to get the allotment. However, the federal district court said allotment applicant heirs certainly have the right to continue trying to get the allotment. Ms. Yeatman revealed that she worked at her position for several years before actually getting "a live applicant client." Because most of the cases she took were from Southeast Alaska, there were few allotments. She said, "I think there [are] about 50 total now in Southeast Alaska, and of course the people that would have been eligible had to have been at least six by ... 1909, so they were mostly deceased." She said many of her clients were the great, great-grandchildren of those deceased veterans.

[9:40:26 AM](#)

REPRESENTATIVE GRUENBERG asked for a definition for legislative approval.

[9:40:34 AM](#)

MS. YEATMAN proffered:

That term means that [U.S.] Congress is approving that allotment. As long as there's no legal defect, then it gets approved automatically. It's a shortcut to having to prove that somebody used the land under the governing laws.

[9:40:57 AM](#)

REPRESENTATIVE GRUENBERG asked if both U.S. Senator Murkowski and U.S. Representative Young's bills meet the legal definition and requirement of "legislative approval."

[9:41:11 AM](#)

MS. YEATMAN replied, "Legislative approval is in the amendments that are in ... [U.S.] Congress." She offered further details.

[9:41:37 AM](#)

JIM McCRACKEN, testifying on behalf of himself, said he is a Vietnam veteran. He said having heard through testimony that there are 240 million acres of federal land, of which approximately 1 percent are private, he is requesting that the committee investigate an amendment to include all Alaskan veterans of the Vietnam Era that were Alaska residents when drafted or enlisted.

[9:43:16 AM](#)

CHAIR SEATON ascertained that there was no one else to testify.

[9:43:38 AM](#)

REPRESENTATIVE GRUENBERG said Ms. Yeatman mentioned potential BLM legislation that would short circuit the 200 allotments, and he asked Representative Coghill if he would like to include language in HJR 27 supporting that.

[9:44:26 AM](#)

REPRESENTATIVE COGHILL answered probably not. He said he chose not to reference even the two U.S. Congress pieces of legislation in the resolution, because he wants to make a policy statement. He added, "If it can be used for those two bills, that's fine, but if there are other bills that are involved in it, I wanted the policy statement to be pushed along."

[9:45:08 AM](#)

REPRESENTATIVE GRUENBERG asked, "Do you want that to make a policy statement urging [U.S.] Congress to do what it can to speed up the existing allotments?"

[9:45:23 AM](#)

REPRESENTATIVE COGHILL responded that he thinks that's what is being asked for by asking for a "reopener." He said, "I don't think we can speed it up until we get a reopener, quite frankly."

[9:45:40 AM](#)

REPRESENTATIVE GRUENBERG said no. He clarified, "Because what the BLM folks are saying would not involve a reopener; it's totally separate. It takes the existing allotments and gives legislative approval so they don't have to have a hearing. It doesn't involve a reopener at all, but we'll get those 200 out."

[9:45:54 AM](#)

REPRESENTATIVE COGHILL said that may be a good thing to do, but not in this resolution, wherein, he opined, the two focuses are enough.

REPRESENTATIVE COGHILL, in response to a concern stated by Representative Gruenberg, said he would entertain an amendment on page 2, line 27, that would insert "and their heirs" after "Alaska Native Vietnam veterans".

[9:47:22 AM](#)

CHAIR SEATON noted that Ms. Yeatman had said the appeals court had already made that decision, so he suggested that Representative Coghill speak with Ms. Yeatman [about the necessity of that language].

[9:47:40 AM](#)

REPRESENTATIVE COGHILL expressed his intent to examine the issue.

[9:47:54 AM](#)

CHAIR SEATON asked if Representative Coghill understands, as was testified today, that "this" would allow for allotments within Denali National Park and Preserve and other parks within the state.

[9:48:11 AM](#)

REPRESENTATIVE COGHILL responded, "'Could,' 'may,' and 'will' are very, very different things, and so I think we need to give them the opportunity to apply, but I can tell you this is an uphill battle." He continued:

I think through the vetting process, not only has the land title changed significantly from 1906 until now, but also the processes have changed. So, I don't fear misuse of this at all. In fact, I think just fairness says getting lands into these hands is going to be no small task.

[9:48:55 AM](#)

CHAIR SEATON clarified that he wasn't saying he thinks there would be misuse. He was just pointing out that according to [Ms. Yeatman], vacant lands are defined as those in the national forests and parks. He said there is a lot of vacant land and he presumes that heirs to [Vietnam Era veterans] would be applying for valuable land. He suggested the sponsor may want to consider this issue, as well.

[9:49:33 AM](#)

CHAIR SEATON clarified the questions that the committee would like answered at the next hearing.

[HJR 27 was heard and held.]

[9:50:37 AM](#)

HB 45-CONTRIBUTIONS, LOBBYISTS, DISCLOSURE

[9:50:41 AM](#)

CHAIR SEATON announced that the last order of business was HOUSE BILL NO. 45, "An Act amending the definition of the term 'lobbyist' in the Regulation of Lobbying Act; and providing for an effective date."

[9:50:51 AM](#)

CHAIR SEATON informed the committee that there are some amendments coming, although they are not yet available. He asked if there are any questions for which the sponsor can provide answers at the next hearing on HB 45.

[9:51:38 AM](#)

CHAIR SEATON, upon determining there was no one who wished to testify and there were no questions for the representative from the Alaska Public Offices Commission (APOC), closed public testimony.

[HB 45 was heard and held.]

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:52 a.m.