

**ALASKA STATE LEGISLATURE**  
**HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

February 19, 2015

8:08 a.m.

**MEMBERS PRESENT**

Representative Cathy Tilton, Chair  
Representative Paul Seaton, Vice Chair  
Representative Shelley Hughes  
Representative Lora Reinbold  
Representative Harriet Drummond  
Representative Dan Ortiz

**MEMBERS ABSENT**

Representative Benjamin Nageak

**OTHER LEGISLATORS PRESENT**

Representative Tammie Wilson  
Senator Bill Stoltze

**COMMITTEE CALENDAR**

PRESENTATION: ALASKA 4-H YOUTH IN GOVERNANCE

- HEARD

HOUSE JOINT RESOLUTION NO. 3

Urging members of the Alaska delegation to the United States Congress to introduce substantially similar legislation to the Alaska Safe Families and Villages Act of 2013; urging the United States Congress to affirm the criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the United States Congress to cooperate with tribes' efforts to transfer Native land to trust; and supporting multilateral negotiations between tribal governments, nontribal municipalities, and the state and federal governments to delineate clearly tribal geographical jurisdictions.

- HEARD & HELD

HOUSE CONCURRENT RESOLUTION NO. 1

Urging the Governor to acknowledge officially the sovereignty of Alaska tribal governments, to create clear and consistent policies for increased state collaboration and partnership with

tribes, and to direct the attorney general to conduct a complete review of the state's litigation against Alaska Native tribes; urging the Governor to acknowledge the inherent criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the Governor to cooperate with tribes' efforts to transfer Native land to trust; and urging the Governor to support multilateral negotiations between tribal governments, nontribal municipalities, and the state government to delineate clearly tribal geographical jurisdictions.

- HEARD & HELD

#### PREVIOUS COMMITTEE ACTION

BILL: HJR 3

SHORT TITLE: CONGRESS:ALASKA NATIVE TRIBAL SOVEREIGNTY

SPONSOR(S): REPRESENTATIVE(S) EDGMON

01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	CRA, JUD
02/19/15	(H)	CRA AT 8:00 AM BARNES 124

BILL: HCR 1

SHORT TITLE: TRIBAL SOVEREIGNTY PROCLAMATION

SPONSOR(S): REPRESENTATIVE(S) EDGMON

01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	CRA, JUD
02/19/15	(H)	CRA AT 8:00 AM BARNES 124

#### WITNESS REGISTER

MATHEW MINIMUM, Member

Alaska 4-H

Nikiski, Alaska

**POSITION STATEMENT:** Led the Pledge of Allegiance of the United States and the 4-H Pledge.

JARETT TORMEY, Member

Alaska 4-H

Palmer, Alaska

**POSITION STATEMENT:** Related his experience with and benefits from 4-H.

ALEX KINDRED, Member

Alaska 4-H

Thorne Bay, Alaska

**POSITION STATEMENT:** Related his experience with and benefits from 4-H.

LESLIE MCEWEN, Member

Alaska 4-H

North Pole, Alaska

**POSITION STATEMENT:** Related her experience with and benefits from 4-H.

CUTTER TORMEY, Member

4-H

Palmer, Alaska

**POSITION STATEMENT:** Related his experience with and benefits from 4-H.

REPRESENTATIVE EDGMON

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Spoke as the sponsor of HJR 3 and HCR 1.

TIM CLARK, Staff

Representative Bryce Edgmon

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Presented HCR 1 and HJR 3 on behalf of the sponsor, Representative Edgmon.

LIZ MEDICINE CROW, President/CEO

First Alaskans Institute

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HCR 1 and HJR 3.

ROD ARNO, Executive Director

Alaska Outdoor Council

Fairbanks, Alaska

**POSITION STATEMENT:** Expressed concern with the support for the clear delineation of the tribal geographical jurisdictions in HJR 3.

MARY BISHOP

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HCR 1 and HJR 3.

WAYNE HEIMER

Fairbanks, Alaska

**POSITION STATEMENT:** During hearing of HCR 1 and HJR 3, expressed concerns with the term "sovereignty."

GREGORY RAZO, Member  
Alaska Federation of Natives Board of Directors  
Chugiak, Alaska

**POSITION STATEMENT:** Testified in support of HJR 3 and HCR 1.

VERONICA SLAJER, President  
North Star Group  
Washington, D.C.

**POSITION STATEMENT:** During hearing of HCR 1 and HJR 3, offered to be a resource for the committee.

WILL MAYO  
Tanana Chiefs Conference (TCC)  
Fairbanks, Alaska

**POSITION STATEMENT:** During hearing of HCR 1 and HJR 3, testified that the majority of states in the U.S. have tribes and a long history of tribal state relations that have benefitted their members.

#### **ACTION NARRATIVE**

[8:08:14 AM](#)

**CHAIR CATHY TILTON** called the House Community and Regional Affairs Standing Committee meeting to order at 8:08 a.m. Representatives Seaton, Reinbold, and Tilton were present at the call to order. Representatives Hughes, Ortiz, and Drummond arrived as the meeting was in progress. Also in attendance were Representative Wilson and Senator Stoltze.

#### **PRESENTATION: Alaska 4-H Youth in Governance**

[8:08:29 AM](#)

CHAIR TILTON announced that the first order of business would be a presentation from the Alaska 4-H Youth in Governance.

MATHEW MINIUM, Member, Alaska 4-H, led the Pledge of Allegiance of the United States and the 4-H Pledge, which read:

I pledge my head to clear thinking,  
My heart to greater loyalty  
My hands to larger service  
My health to better living,

For my club, my community,  
My country and my world.

8:11:31 AM

JARETT TORMEY, Member, Alaska 4-H, explained that his experience with 4-H began in the traditional manner, through livestock. Through showing sheep he said he learned entrepreneurship and salesmanship. However, he emphasized that 4-H isn't all about livestock. He informed the committee that he has raised bees and learned about cooking, sewing, shooting, archery, and riflery. Furthermore, 4-H has afforded him the opportunity to speak in front of people by giving talks on organized topics. The 4-H program also provided leadership training, which he experienced when in Atlanta for the 4-H Congress. Mr. J. Tormey said that he would suggest 4-H to other youth as it improves the economy on an individual level. He mentioned that he has done multiple citizenship projects, including one with the Pioneer's Home and youth training leadership. Mr. J. Tormey related his strong support for 4-H and expressed hope that others do as well. In closing, he said he was thankful for the support for 4-H from the University of Alaska Fairbanks (UAF) and the Cooperative Extension.

8:15:25 AM

REPRESENTATIVE SEATON inquired as to whether Mr. J. Tormey's bee project was successful.

MR. J. TORMEY informed the committee that in the first year of his bee project, he produced a half gallon of the best honey he has ever had. He said although he wasn't able to over winter the bees in the first year, the plan is to do so with the next hive of bees.

8:16:14 AM

REPRESENTATIVE REINBOLD requested an explanation of animal husbandry.

MR. J. TORMEY explained that it basically means taking care of animals, teaching them to do well with other people. He noted that with his breeding project for sheep, he has often helped animals that have issues with birthing.

8:17:44 AM

ALEX KINDRED, Member, Alaska 4-H, noted that he has been involved with 4-H for two years. He then informed the committee that he has worked with Prince of Wales 4-H Youth First Responders. The 4-H provides its agents and funding for training certifications for Emergency Medical Services (EMS) and Fire. He said he has certifications up to an Emergency Trauma Technician (ETT) and including cardiopulmonary resuscitation (CPR) and basic First Aid. He then related that his community service for 4-H is through the local EMS and fire departments. In fact, he said he has gone on calls and participated as part of the EMS squad. Mr. Kindred related that [he and the 4-H on Prince of Wales] are working on an island-wide Youth First Responder group. At this point, once a month the group travels to different places on the island to collaborate on certifications and help members reach a certain level of certification. The hope, he indicated, is to work together in order to have the fastest response times.

[8:20:33 AM](#)

REPRESENTATIVE DRUMMOND remarked that Prince of Wales Island is beautiful and large.

[8:20:52 AM](#)

CHAIR TILTON inquired as to the largest hurdles Mr. Kindred faced with his projects.

MR. KINDRED responded that the largest hurdle was transportation. He explained that [the 4-H] has to work with the school district to use their vehicles and drivers. He also identified scheduling as difficult and something that has become a large part of what he does. In further response to Chair Tilton, Mr. Kindred said he is a junior in high school.

[8:22:08 AM](#)

REPRESENTATIVE SEATON commented that Mr. Kindred's project sounds great, particularly since a lot of areas face difficulties in obtaining volunteers. He said he appreciated Mr. Kindred's efforts as a model for other areas.

[8:22:48 AM](#)

LESLIE MCEWEN, Member, Alaska 4-H, informed the committee that she has been involved with 4-H for about six years and began by raising goats, chickens, and rabbits. She noted that her 4-H

group does a lot of community service through petting zoos at various locations, including the local Pioneer Home. She further noted that she is involved in leadership training, particularly with the upcoming Clover Buds. In fact, she said she will be teaching K-3 participants how to give a presentation when she returns home. Ms. McEwen informed the committee that she has raised a market lamb the past two years. She explained that since she had difficulty finding a market lamb in the Fairbanks area, she has the goal of having a breeding flock in Fairbanks. To that end, she purchased her breeding flock last summer and has three baby lambs. Ms. McEwen, a junior, said that she has learned lots in the 4-H and has been able to travel to Juneau twice to learn about the government. She characterized [her 4-H involvement] as an amazing experience.

[8:25:36 AM](#)

REPRESENTATIVE REINBOLD requested an explanation of market lamb.

MS. MCEWEN explained that through the 4-H Market Program a member can raise an animal over the summer after which the member seeks buyers for the animal. The money earned from the sale of the animal is to be used for future education of the seller, 4-H member.

[8:26:24 AM](#)

CHAIR TILTON asked if Ms. McEwen had a budget when she was raising animals.

MS. MCEWEN replied yes. The 4-H members use a record book in which the member keeps track of the weight gained per food consumed. Those who are raising an animal for the first time have to speak with others who have gone through the process to estimate costs and potential earnings.

CHAIR TILTON thanked Ms. McEwen for working with seniors at the Pioneer Home as it's so important.

[8:28:01 AM](#)

CUTTER TORMEY, Member, 4-H, characterized 4-H as an organization that kick starts careers and lives. He, too, pointed out that raising livestock also includes record keeping and budgets and helps teens develop career aspirations. Furthermore, 4-H includes many leadership and community roles. For instance, Grow Palmer is a 4-H program in which small community gardens

are set up throughout the City of Palmer; these are gardens from which people can harvest. The 4-H in Palmer also sends cards to the elderly and work at the local farmer's market. He informed the committee that Alaska's independence in its food supply is about 5 percent; therefore, learning how to farm also teaches 4-H members how to be independent, he opined. Moreover, 4-H offers many other things beyond raising livestock, including photography, community service, leadership, shooting sports, fitness, and health. All of the aforementioned can count as a school project, he noted. Mr. C. Tormey further noted that he tries to fit as many projects in a year as possible.

[8:32:35 AM](#)

REPRESENTATIVE HUGHES thanked Mr. C. Tormey for what he does with the 4-H in Palmer. She characterized his testimony as inspirational. She then inquired as to whether Mr. C. Tormey has an idea of the career he might want to do and whether it will include dealing with the low food independence of Alaska.

MR. C. TORMEY explained that he would want to do something that would help every farm that he could rather than being restricted by having his own farm.

[8:33:53 AM](#)

REPRESENTATIVE REINBOLD commented that she is very inspired by Mr. C. Tormey's values in terms of independence. She then inquired as to who supports 4-H in terms of the education program.

MR. C. TORMEY explained that UAF supports the Cooperative Extension Service that runs 4-H. He clarified that 4-H is not restricted to any certain type of educational program rather it's an after-school program through UAF and the Cooperative Extension Service.

[8:35:35 AM](#)

CHAIR TILTON thanked all the 4-H members who are present as well as their coordinators and parents.

Other Alaska 4-H Members in attendance were: Sydney Sterner, Emma Levy, Andrea McEwen, Nancy Graff, Priscilla Rice, and Marianne Kerr.

[8:36:27 AM](#)

The committee took an at ease from 8:36 a.m. to 8:40 a.m.

**HJR 3-CONGRESS:ALASKA NATIVE TRIBAL SOVEREIGNTY**  
**HCR 1-TRIBAL SOVEREIGNTY PROCLAMATION**

[8:40:51 AM](#)

CHAIR TILTON announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 3, Urging members of the Alaska delegation to the United States Congress to introduce substantially similar legislation to the Alaska Safe Families and Villages Act of 2013; urging the United States Congress to affirm the criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the United States Congress to cooperate with tribes' efforts to transfer Native land to trust; and supporting multilateral negotiations between tribal governments, nontribal municipalities, and the state and federal governments to delineate clearly tribal geographical jurisdictions and HOUSE CONCURRENT RESOLUTION NO. 1, Urging the Governor to acknowledge officially the sovereignty of Alaska tribal governments, to create clear and consistent policies for increased state collaboration and partnership with tribes, and to direct the attorney general to conduct a complete review of the state's litigation against Alaska Native tribes; urging the Governor to acknowledge the inherent criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the Governor to cooperate with tribes' efforts to transfer Native land to trust; and urging the Governor to support multilateral negotiations between tribal governments, nontribal municipalities, and the state government to delineate clearly tribal geographical jurisdictions.

[8:41:48 AM](#)

REPRESENTATIVE EDGMON, Alaska State Legislature, speaking as the sponsor of HJR 3 and HCR 1, began by saying that both resolutions are about making the state's public safety dollars stretch farther in rural Alaska. The two resolutions intend to foster collaboration between Alaska Native tribes and the state in terms of criminal justice issues. In a broader context, [Alaska Natives] are the third fastest growing prison population in the state and they are growing four times faster than the general population of the state. The aforementioned is occurring, he pointed out, while the statewide criminal activity is slowing and there are more nonviolent offenders. He opined

that because there is a prison population that continues to increase, the criminal justice agencies of the state, as well as the Department of Health and Social Services, are experiencing an increase in costs. In fact, if the prison population of the state continues to grow at its current rate, in two to three years another prison the size and cost of Goose Creek Prison will need to be built. Representative Edgmon explained that he introduced the resolutions in the hope that [the state] could better recognize the value of Alaska Native tribes in terms of [addressing] criminal justice activities, albeit at the misdemeanor and lower level. The result of such recognition would lower costs of criminal activity as well as produce better outcomes. He then noted the growing movement of reforming justice measures in a manner that looks more toward the victims, needs of the offenders, and impact to the community. Thirty-two states, including Texas, Kentucky, and South Dakota, have taken steps toward instituting "smart justice" and saved a lot of money in the process. Furthermore, Texas has experienced a decrease in its recidivism rate by one-quarter, saved some \$3 billion in building new prisons, and experienced a 20 percent decrease in the crime rates.

REPRESENTATIVE EDGMON opined that Alaska tribes have been wronged for a long time and there have been many studies and committees that have found that the centralized justice system in Alaska operating with hubs, remote Village Public Safety Officers (VPSO), Alaska State Troopers, and the court system has not been that effective. Family violence, alcohol abuse, and suicide rates are at epidemic proportions and continue to spiral upwards in rural Alaska. Therefore, he argued for the need to move past the [centralized justice system] and engage tribes more at the community level. He highlighted that the court system has stepped up in terms of relationships with tribes in the state. These two resolutions call for greater collaboration and more consistent policies between the state and tribes while recognizing the strong differences of opinion regarding the state and tribal government powers. Although there are unanswered questions with regard to the extent of tribal jurisdiction in the state, the cost of litigation has only grown. Therefore, the better approach would be to embrace state and tribal governmental relationships such that an atmosphere of respect and collaboration is created. Representative Edgmon clarified that the resolutions aren't promoting the co-equal treatment of tribes in the state government, but they all operate under the Alaska State Constitution and the presumption that "we are a state as a whole." Tribes have a unique relationship with the federal government and other areas that

allow them to provide services and programs at that local level that, he opined, can be helpful in addressing crime, reducing the number of prisoners, and creating a better overall public safety atmosphere. He then pointed out that [HCR 1] is directed toward the governor while [HJR 3] is directed toward Alaska's Congressional delegation. Both resolutions request that broader steps be taken toward recognizing that a better relationship can be had with tribes. He reminded the committee that although resolutions aren't binding and don't carry the force of law, they carry an important official message from the legislature that it values a stronger relationship between the state government and Alaska Native tribal government, which should produce verifiable outcomes and a better public safety environment in the state's rural communities. In closing, Representative Edgmon mentioned that he has worked with Chair Tilton to amend the resolutions, specifically removal of the term "sovereignty" as there are differences of opinion as to its meaning and connotation. The aforementioned maintains the true intent of the resolutions, which is to foster better relationships with tribes to promote better criminal justice services at the community level.

[8:51:13 AM](#)

REPRESENTATIVE HUGHES noted her appreciation of the intent of the resolutions as well as the revisions. She then requested a brief overview of the unique relationship between the federal government and Alaska Native tribes.

REPRESENTATIVE EDGMON informed the committee that Alaska Native tribes were recognized in the late 1990s through an administrative order. There are roughly 228 tribes throughout the state. Through the federal recognition, Alaska Native tribes have a unique government-to-government relationship with the federal agencies that allow them to capture revenue streams and certain services that are outside the normal range of municipalities. These resolutions suggest that a better relationship between the Alaska Native tribes and the state's criminal justice agencies would afford them the ability to access and obtain federal revenue for resources and [law enforcement] presence not present today.

[8:53:07 AM](#)

REPRESENTATIVE HUGHES inquired as to whether there is any history between the state and Alaska Native tribes that would be relevant to these resolutions.

REPRESENTATIVE EDGMON opined that Representative Hughes' question articulates that the legislature knows very little about Alaska Native tribes. In fact, Representative Edgmon said that although he is of Alaska Native descent and was born and raised in rural Alaska, he doesn't know a lot about Alaska Native tribes.

[8:54:45 AM](#)

TIM CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, explained that HCR 1 is designed to demonstrate the state's willingness to work with Alaska Native tribes on ways to alleviate crimes, social ills, and community distress. As mentioned earlier, HCR 1 endorses strengthening the authority, responsibility, and capacity of local Alaska Native tribal government with regard to public safety and the delivery of justice in their communities. Both resolutions, in particular HCR 1, were derived from the findings of over a half dozen commissions that have met over 25 years. All of those commissions agreed that greater control, better defined jurisdiction, and increased accountability at the local level will lead to swifter response to violence and criminal activity, increased crime prevention, and increased rehabilitative rather than punitive sentencing models. The aforementioned, he opined, will work significantly toward achieving healthier communities. The current iteration of HCR 1 requests the governor officially recognize tribes, particularly to detail clear and consistent policies for increased state agency collaboration and partnership with tribes. He opined that state and tribal relations and in turn tribal communities can be vastly improved with state policy that emphasizes collaboration as well as consistency and clarity in policies. The resolution, HCR 1, also urges the governor to direct the attorney general (AG) to conduct a complete review of the state's current litigation against Alaska Native tribes to determine whether some of it would be deemed unnecessary if working toward a greater partnership with Alaska Native tribes. Furthermore, such collaboration would save the state money. Mr. Clark then directed attention to the third resolve, which refers to criminal jurisdictions over tribal members within accepted boundaries of rural villages. He noted that the aforementioned is a recommendation of the Indian Law & Order Commission, which devoted an entire chapter of its 2013 report to Alaska Native tribal issues. This recommendation is also endorsed by the U.S. Attorney General's Advisory Committee on American Indian and Alaska Native children exposed to violence. Mr. Clark mentioned

that this is something Congress could confirm without addressing the notion of Indian country. The basic intent of the resolution is to increase authority and responsibility at the local level while allowing tribes, through potential new federal funding streams, to build better institutions and capacity to undertake such responsibilities. The fourth resolve speaks to land and trust issues and is related to a recent Department of Interior (DOI) decision that would allow Alaska Native tribes to transfer land into trust. Allowing Alaska Native tribes to transfer land into trust is one of the more controversial and complex issues that will likely be eliminated in amendments as it's not the core intent. The fifth resolve is merely a statement urging the governor to support eventual negotiations between tribal governments, nontribal municipalities, the state government, and federal government regarding geographic jurisdictions. The resolution, he emphasized, is aimed at an eventuality in the future.

[9:01:56 AM](#)

CHAIR TILTON opened public testimony.

[9:02:20 AM](#)

LIZ MEDICINE CROW, President/CEO, First Alaskans Institute, explained that the First Alaskans Institute is a statewide Native nonprofit that focuses on leadership development and through which there is a public policy fellowship in which fellows are placed in offices in the legislature. This session, fellows are placed in the offices of Senator Olson and Representative Kito. The First Alaskans Institute also focuses on community engagement through grants that are given through community investments. The nonprofit also publishes the First Alaskans magazine. She then noted that the First Alaskans Institute has the Alaska Native Policy Center and one of the most consistent themes from communities throughout the state is the inability to form great relationships between tribes and the state. She said she is most excited with the resolution because it symbolizes the state's progress as it continues to be a state known for its innovation. A blockade for that innovation has been the inconsistent treatment and relationship status between the state government and the Alaska Native tribal governments of the state. As a tribal citizen of Kake, a citizen of the State of Alaska, and a citizen of the U.S. government, Ms. Medicine Crow said it would seem she would have three forums by which to have services and protection provided to her. However, that doesn't exist. She expressed the need for the state and tribes

to be able to bring forward a more functional and healthy relationship to determine how to best bring resources together to address the challenges of the citizenship while protecting them as well. She reminded the committee that the most vulnerable [Alaska Native] people are continuing to be harmed and harmed at greater rates. Therefore, [HCR 1] provides an opportunity for the state to recognize the way it has been operating hasn't effectively addressed the issues [of Alaska Natives]. These resolutions provide an opportunity to find other innovative ways to leverage the abilities and strengths that exist rather than fighting a jurisdictional war because in the interim the people are being harmed; these people are citizens of the state, the tribes, and the federal government. In closing, Ms. Medicine Crow stated her support for both HCR 1 and HJR 3 as well as making government-to-government relationships a priority for the state not only because it's fiscally prudent, but more importantly because it's better for the citizens of the state.

[9:07:40 AM](#)

REPRESENTATIVE REINBOLD inquired as to the current litigation and issues between the state and Alaska Native tribes.

MS. MEDICINE CROW pointed out that there is litigation with respect to the Indian Child Welfare Act (ICWA), Office of Child Services. These cases are troubling because whatever the legal arguments when ICWA provisions for placement are triggered, the [Alaska Native] children, families, and communities are being harmed. A respectful government-to-government approach would help create a pause during which consideration can be given to what is in the best interest of the children. Another area in which there are issues is with regard to voting and whether equal and equitable access to voting is being provided in terms of language, materials, and polling stations. She noted that there are other situations within the Department of Law that would allow the attorney general time to reflect on its position and principle of practice in dealing with Native tribes around the state.

[9:10:22 AM](#)

REPRESENTATIVE SEATON asked if Ms. Medicine Crow was supportive of the proposed [amendments to the resolutions] to streamline and eliminate some of the conflicting language in the resolution.

MS. MEDICINE CROW said that although she only saw the amendment this morning, she believes the sponsor knows what is best for the resolutions and the processes in the legislature. Therefore, she said she would wait to see the result.

9:11:19 AM

ROD ARNO, Executive Director, Alaska Outdoor Council, expressed concern with the last resolve of HJR 3, which relates support for the clear delineation of tribal geographical jurisdictions. The concern, he specified, is in terms of the impact of such delineation on the contiguous fish and game management regime, particularly with migratory animals and fish stocks that pass through 220-plus Native areas, on a sustained yield basis. Mr. Arno said he hasn't seen the earlier mentioned amendment to HJR 3 that would change this aspect of the resolution, but will continue to follow the legislation to ensure the matter is addressed for all Alaskans.

9:13:07 AM

MARY BISHOP, referred to a 2/26/97 Alaska State Legislature document entitled "What does Indian Country Really Mean for Alaska?" that she submitted to the committee. She then encouraged the legislature to oppose HCR 1 and HJR 3, moving of Alaska Native lands into federal trust, and establishing geographic boundaries of tribal jurisdictions. She opined that both resolutions encourage the establishment of Indian Country in Alaska, but Alaska Native leaders rejected that type of settlement in the 1960s as the Alaska Native Claims Settlement Act (ANCSA) was being developed. Village leaders voted overwhelming in support of the corporate settlement instead. She acknowledged the high rates of social ills in rural Alaska, but pointed out that the same situation exists in the Lower 48 reservations. Therefore, Indian Country status doesn't solve the problem [of social ills]. Ms. Bishop then opined that in general, the Lower 48 reservations don't serve as a good model for rural Alaska villages. However, she agreed with the idea of an innovative approach, which she opined doesn't include thinking in terms of Indian Country. She highlighted the Choose Respect program as an example of innovation.

MS. BISHOP opined that rural justice and problems with criminality in the villages is pushing the agenda to obtain an Indian Country designation, which she characterized as a smoke screen over other features of Indian Country, including taxation and regulation. The state, she offered, is prohibited from

regulating and taxing land in Indian Country as the tribal entity actually has the authority to tax and regulate. After the Ninth Circuit Court of Appeals' unanimous ruling in favor of Venetie, Judge Fernandez wrote the following:

We had been asked to blow up a blizzard of litigation throughout the State of Alaska as each and every tribe seeks to test the limits of its power over what it deems to be Indian Country. There are hundreds of tribes and the litigation permutations are as vast as the capacity of fine human minds can make them. They can include claims to freedom from state taxation and regulation. Claims to regulate and tax for tribal purposes, assertions of sovereignty over vast areas of Alaska, and even assertions that tribes can regulate and tax the various corporations created to hold ANCSA land. The latter assertion would give the tribes the power to control, regulate, and tax those corporations out of existence and would provide a fruitful area for intertribal conflict. This no imaginative parade of horrors.

MS. BISHOP, in conclusion, encouraged the committee to be extremely cautious with any consideration of tribal land that goes into trust or might promote the status of Indian Country. She reiterated the need to consider innovative ideas to address rural justice as well as suicide and other problems in rural Alaska.

[9:21:25 AM](#)

WAYNE HEIMER said he was gratified that the term "sovereignty" is [to be] eliminated from [HCR 1]. However, he expressed uncertainty that the concept of sovereignty could be separated from this issue or the resolution's intent. Sovereignty, he offered, is an abstract concept. He noted that he has been pondering sovereignty since Bureau of Indian Affairs (BIA) Secretary Ada Deer administratively recognized the tribes in Alaska. Mr. Heimer opined that using the concept of special municipal regulations instead of the term sovereignty creates a situation that doesn't currently exist. The language in ANCSA was incredibly strong and such rights as aboriginal titles, claims, etcetera do not presently exist and would have to be re-created if that's the path chosen. Mr. Heimer said that although freedom is a human impulse, to secure the blessing of community people have to compromise their individuality. Alaska is trying to secure the blessings of community, he opined,

without making the necessary compromises. Although he said he respected the human yearning for self-determination and recognized the practical and economic benefits of government-to-government contracting, he encouraged the committee to carefully weigh the risk to the greater Alaska community for the romance of sovereignty and the risk it carries. For those who believe the federal approach is an appropriate path, Mr. Heimer reminded the committee of U.S. Secretary of the Interior Sally Jewell's recent visit and the degree of respect she had for Alaska's sovereignty.

[9:25:26 AM](#)

GREGORY RAZO, Member, Alaska Federation of Natives Board of Directors, began by informing the committee that he has been an attorney in Alaska since 1984 and is a member of the Cook Inlet Region Incorporated (CIRI); co-chair of the Alaska Native Justice Center; and president of the Alaska Legal Services Board of Directors. He then related support for both HJR 3 and HCR 1. Speaking to an earlier question about the federal Indian law that applies in Alaska, Mr. Razo pointed out that the responsibility to Native Americans, that is tribes, is found in Article 1, Section 8, of the United States Constitution. He explained that by extension, the passage of the aforementioned article extends the authority to engage in relations with tribes to the executive and judicial branches of government. Article 1, Section 8, he opined, places the tribes firmly within the constitutional fabric of the nation. The aforementioned has been extended through case law and congressional statute over the years. The trust obligation derived from Article 1, Section 8, has been the basis to support development in Alaska and throughout the United States of tribal institutions. This trust obligation, he emphasized, is the highest responsibility of the U.S. to any of its citizens, which was recognized in the case Seminole Nation v. United States [316 US 286, 62 S. Ct. 1049, 86 L. Ed. 1480 - Supreme Court, 1942]. The obligation was first discussed, however, in The Cherokee Nation v. The State of Georgia [30 US 1, 8 L. Ed. 25, 8 L. Ed. 2d 25 - Supreme Court, 1831]. Over the last 40-plus years in Alaska since ANCSA changed federal Indian policy, corporations and tribes have worked together to develop institutions to take care of Alaska Natives. He opined that the two have created the most innovative, creative, and successful community-based organizations in the state. The aforementioned has been achieved largely in the absence of state intervention. However, the state has provided support for the development of health and social service institutions within [Alaska Native] nonprofits

and regional tribal associations. As an attorney in Alaska for 30 years, Mr. Razo opined that although not officially recognized, community-based justice happens every day and needs to be recognized. Whether it's with a tribe, borough, or city, community-based justice is a non-centralized justice that is the fastest, cheapest, and most effective justice. He suggested that legislative support of these resolutions is a significant show of support [recognizing that Alaska Native] institutions have been developed and are fully capable of serving Alaska Natives and others in the state's small communities.

MR. RAZO turned to the budget crisis that the state faces, which he characterized as of a proportion of which the state has not seen before. The institutions funded by the federal government that are tribal in nature rarely receive 100 percent funding, which means the tribes and nonprofits have to obtain additional funding from the state government and private sources. Although it's not a free ride for tribal institutions, the federal funding that has been available for a number of years has resulted in the Association of Village Council Presidents (AVCP) and its institutions in Western Alaska that are ready, willing, and able to provide help with health and social services as well as legal services and investments. The aforementioned, he said, merely requires a partnership with the state. He remarked that sovereignty is such a buzz word for some people, but opined that what [the resolutions] refer to is a government-to-government relationship. Although he acknowledged that the federal, state, and tribal governments are not equal, he pointed out that tribal governments have existed long before any statute said they existed. These resolutions seek engagement in a partnership and a real discussion regarding how better to serve the needs of all Alaskans, but especially Alaska Natives. He noted that he just returned from a meeting in Kotzebue with U.S. Secretary of Interior Jewell. Unlike what was reported in the newspapers, it was a respectful conversation before Alaska Native leaders from across the state in which there was a clamor for working together at the state and federal levels. Visiting any of the villages, he remarked, highlights the needs that exist. Mr. Razo acknowledged that there are less funds to meet the needs, and therefore he questioned why one wouldn't use partnerships with existing organizations that are ready, willing, able, and begging to be able to help with this crisis. Furthermore, such partnerships would build institutions in Alaska and create a better Alaska for everyone. The aforementioned, he said, is why AFN supports [HCR 1 and HJR 3] and why he personally supports [the resolutions] as an Alaskan, attorney, and person who is committed to equal justice for all.

[9:33:56 AM](#)

REPRESENTATIVE HUGHES inquired as to whether there would ever be a conflict with a municipal government.

MR. RAZO acknowledged that there's always the potential for jurisdictional conflict as exists now between Alaska State Troopers and city governments. The aforementioned is worked out through compromise and compacting, he said. He explained that generally, tribal governments are responsible for tribal members within the boundaries of the tribes. The process of setting the boundaries and recognizing the geographical location of boundaries will have to be addressed, but doesn't have to be addressed in these resolutions. The resolutions set out the notion that there are areas where tribes are entitled to exercise jurisdiction over their own people, which is an important concept in Alaska. The aforementioned, he emphasized, occurs everywhere else in the U.S. and it should happen in Alaska as well.

[9:35:38 AM](#)

REPRESENTATIVE HUGHES related her understanding that the reference to tribes in Article 1, Section 8, of the U.S. Constitution only refers to commerce.

MR. RAZO explained that the case law derived from Article 1, Section 8, of the U.S. Constitution has been extended to protect tribal rights in every form and aspect, from equal protection to due process. The extension occurred through a long series of federal cases to cover all aspects of trust responsibility for Native Americans. In further response to Representative Hughes, Mr. Razo stated that the Commerce Clause is probably the largest clause in terms of extension of rights and responsibilities in in the U.S. Constitution. Although technically Representative Hughes is correct, he pointed out that the law of the land as determined by the U.S. Supreme Court, which has the same effect and weight as the constitution, has significantly expanded the clause.

[9:38:22 AM](#)

VERONICA SLAJER, President, North Star Group, informed the committee that she was the original staff director of the Rural Governance Commission, which was formed in the 1990s to address state-tribal relations. The Rural Governance Commission is one

of the many organizations mentioned by Representative Edgmon that support clarity with regard to state-tribal relations. About a year ago, the Rural Governance Commission reconvened and upon reviewing the original report, determined that many, if not all, of the recommendations made in the 1990s were still relevant today. Therefore, Ms. Slajer said she is heartened that the committee is considering the resolutions. These issues are real to all people, Native and non-Native, in terms of providing the tools to address everyday situations. Furthermore, there is a symbolic value to this conversation as well, she said. Ms. Slajer offered the Rural Governance Commission web site, [www.ruralgov.org](http://www.ruralgov.org), and herself as resources to the committee. She also offered to provide the committee with names of others who have expertise in this area.

[9:40:42 AM](#)

WILL MAYO, Tanana Chiefs Conference (TCC), explained that he has a long history of advocacy in the Alaska Native community, which began in the 1970s when he was involved in the implementation of the Alaska Native Claims Settlement Act (ANCSA) and ultimately became the CEO of TCC. He opined that the issues before [Natives] are immensely complex, particularly in Alaska where there is a mishmash of policy that has collided with the various ideologies and disagreement. He recalled his 20s when, as a leader in Tanana where there is inadequate law enforcement, he had to respond to public safety issues, although he wasn't trained in law enforcement. For instance, there was a situation in which he had a gun pointed at his chest when trying to separate an individual from his drinks and gather the children present and take them elsewhere. Such situations continue to exist today as [rural communities] continue to have a high population of untreated needs. Mr. Mayo clarified that [Alaska Natives] don't assert jurisdiction or sovereignty as an idea but rather as a means to provide needed services. He then related a recent situation in which he helped a local tribal council deal with an individual who had fired shots; this is a community without a city government or Village Public Safety Officer (VPSO). The three local tribal judges approached the individual and encouraged him to work with them for his children's sake. There had already been a determination that the situation wasn't a threat. Eventually, this individual submitted to an assessment and voluntarily went to town after the tribe addressed the situation. In that same community last week, local tribal leaders discussed the need to control loose dogs, children running around, domestic violence and sexual assault. These leaders asked him when the community would receive a VPSO

and whether the VPSO would be able help them with their tribally established ordinances. The leaders also asked whether an agreement could be reached with the state such that Alaska State Troopers could help [enforce] the tribally established ordinances. Mr. Mayo clarified that the tribal leaders weren't saying that the Alaska State Troopers have to submit to their sovereignty and do it their way rather they were asking for help. Mr. Mayo said he had to inform the tribal leaders that thus far the state hasn't been a willing partner, though the state has been approached many times.

MR. MAYO then turned to the land trust issue. He related that when [Alaska Native organizations] have approached the Bureau of Indian Affairs (BIA), the Department of Justice, and other agencies that have funds appropriated by Congress to address critical needs in [villages] for public safety and tribal justice assistance, he tells them that courts already exist in the villages. Furthermore, circle sentencing is already occurring such that individuals in the village come together to tell the individual what he/she did wrong. The power of the aforementioned, he remarked, is so immense that it's difficult to articulate in this setting. Mr. Mayo emphasized that [Alaska Natives] are consistently told by the federal government that it isn't permitted to fund Alaska Natives because Alaska Natives don't have Indian Country or a base from which to assert public health or safety. Therefore, lots of resources that are provided to tribes in the Lower 48 aren't provided to tribes in Alaska. In conclusion, Mr. Mayo informed the committee that the majority of states in the U.S. have tribes and a long history of tribal state relations that have benefitted their members. Furthermore, there are volumes of agreements, including Memorandums of Understanding, Memorandums of Agreements, contracts, and intergovernmental protocols. He stressed that there is no conceivable reason such couldn't work in Alaska. There is such a dire need for help that doesn't seem to be addressed because people wrangle over important questions. Mr. Mayo related his support for HCR 1 and HJR 3 and urged working toward greater tribal and state relations as there is a lot to gain. The aforementioned, he clarified, doesn't mean the state has to submit or roll over. In fact, he opined that tribes are making headway with the state in different areas in Alaska, but there is room for more. Again, Mr. Mayo urged taking steps toward addressing the human suffering. He offered to provide background materials to help the committee in its deliberations.

[9:53:23 AM](#)

REPRESENTATIVE HUGHES asked whether there have been any federal efforts to resolve access to what the Lower 48 tribes have without the physical boundaries of an Indian Country designation.

MR. MAYO answered that although there are many programs available to tribes in Alaska without an Indian Country designation, the lack of an Indian Country designation is used as the reason for Alaska tribes not being given funds for public safety issues. He noted that Public Law 83-280 is also used as a barrier as it addresses jurisdiction. He explained that although there have been many discussions with the Congressional delegation, the resolutions are before the committee today because of the inability to craft something that would free large amounts of resources. Mr. Mayo urged consideration of the many situations that exist in the nation where Indian Country tribes exist with cross deputization agreements with their law enforcement. Further, the federal government training facility in the Lower 48 for tribal police exceeds Alaska's Police Academy requirements. The funding received for the training facility for the Lower 48 tribal police is received because of the Indian Country designation. He further informed the committee that there is an entire body of case law that defines tribal jurisdictions that would be of interest to the committee. Mr. Mayo reiterated that the reason [the resolutions have been introduced] is because of the inability to cross the barriers without an Indian Country designation.

[9:57:58 AM](#)

REPRESENTATIVE HUGHES noted her appreciation of the innovative thinking and work with the congressional delegation. She then expressed interest in having an informational session on this issue as well as how tribal ordinances relate to state statute.

[9:59:13 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:59 a.m.