

Introduced: 4/17/80  
Referred: Community &  
Regional Affairs

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 565

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to Native village governments.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature has determined  
9 that

10 (1) there exist in the state several communities which have Native  
11 village governments recognized as the traditional local government; and

12 (2) the law and customs of Native village governments include  
13 notions of democracy, liberty and the exercise of personal rights consistent  
14 with the state and federal constitution.

15 (b) It is the purpose of this Act to

16 (1) insure that the state recognizes Native village governments as  
17 local governments and encourages them in the administration of government for  
18 the benefit of their people; and

19 (2) provide for interaction between the state government and  
20 Native village governments.

21 \* Sec. 2. AS 29 is amended by adding a new chapter to read:

22 CHAPTER 70. NATIVE VILLAGE GOVERNMENTS.

23 Sec. 29.70.010. NATIVE VILLAGE GOVERNMENTS. A Native village  
24 government, in a village which is not incorporated and not an organized  
25 borough is recognized by the state as the governing body of that village.  
26 A Native village government recognized by the state under this section  
27 is eligible to participate in all state programs to the same extent and  
28 in the same manner as a second class city. A Native village government  
29 recognized under this section is entitled to notice concerning proposed

1 actions by the state to the same extent as the government of a second  
2 class city is entitled to notice. A Native village government recognized  
3 under this section shall be consulted by the state on state actions and  
4 programs which affect the village to the same extent that the government  
5 of a second class city is consulted on state actions and programs.

6 Sec. 29.70.020. AGREEMENTS. A Native village government or group  
7 of Native village governments may negotiate agreements with the commis-  
8 sioner of community and regional affairs regarding coordination of state  
9 activities with the activities of the Native village government or group  
10 of native village governments, including proposals to coordinate state  
11 services with services provided by a Native village government such as  
12 judicial services, law enforcement services, and correctional services.

13 (b) When the commissioner of community and regional affairs negoti-  
14 ates an agreement under this section, he shall first consult with the  
15 head of each principal executive department which may be affected by the  
16 agreement. The commissioner of community and regional affairs shall  
17 next submit the proposed agreement to the governor. The governor may  
18 approve an agreement and upon approval the agreement shall define the  
19 respective responsibilities of the state and of the Native village  
20 government during the period of time covered by the agreement.

21 Sec. 29.70.030. NONDISCRIMINATION. A Native village government  
22 which is a party to an agreement under AS 29.70.020 may not adopt a rule  
23 or operate a program which creates or extinguishes a benefit, liability,  
24 privilege, immunity or license dependent on racial classification or  
25 membership in a Native tribe, clan, or organization, except that a  
26 Native village government may participate in federally funded programs  
27 which provide services to persons or organizations because of their  
28 status as Native persons or Native organizations. Violation of this  
29 section renders an agreement entered into under AS 29.70.020 void.

1           Sec. 29.70.040. LIMITATIONS. Nothing in this chapter authorizes  
2 the alienation, encumbrance, or taxation of real or personal property,  
3 including water rights, belonging to a Native person or Native village  
4 that is held in trust by the United States or is subject to a restriction  
5 against alienation imposed by the United States, or authorizes regulation  
6 of the use of property in a manner inconsistent with a federal treaty,  
7 agreement, statute, or a regulation, or extends the jurisdiction of the  
8 state to adjudicate the ownership or right to possession of property.  
9 Nothing in this chapter deprives a Native person, Native village, or  
10 Native corporation of any right, privilege or immunity afforded under  
11 federal or state treaty, agreement, or law, or alters the jurisdiction  
12 of the state, its political subdivisions, or a Native village government.

13           Sec. 29.70.050. DEFINITIONS. In this chapter

14           (1) "Native person" means a person who meets the requirements  
15 for membership in a Native village or organization authorized, char-  
16 tered, or incorporated under the authority of a Native village govern-  
17 ment;

18           (2) "Native village government" means a local governing body  
19 organized by authority of the Act of Congress of June 18, 1934, 25 U.S.C.  
20 sec. 476, or a local governing body of a Native village which meets the  
21 requirements of the Alaska Native Claims Settlement Act, 43 U.S.C. secs.  
22 1601 et seq.